

**SIEMENS****Mobility****Via Facsimile (916) 227-6282**

November 28, 2016

Mr. John McMillian  
Deputy Division Chief  
State of California Dept. of Transportation  
Division of Engineering Services  
1727 30th Street, MS43  
Sacramento, CA, 95816-7005

**RE: Bid Protest – 08-0E5514 - Install RMS, CCTV, VDS, CMS, FO Backbone, ESU Traffic Ops**

Dear Mr. McMillian,

Based on the lack of bidder assistance provided by Caltrans outlined below in the DBE submission process, Siemens Industry, Inc. is respectfully submitting this formal bid protest for Contract 08-0E5514. See Cal. Pub. Cont. Code § 10306; Cal. Code Reg. tit II, § 872.7(b).

Siemens Industry, Inc. noted in its communication to your office on November 18th, 2016 that through no fault of its own it was unable to deliver the required DBE Commitment Forms to your office within the time specified as a remit to address was not clearly identified on or within any of the documents below:

- 08-0E5514 Contract Special Provisions (supersedes Caltrans Standard Specifications 2010),
- 08-0E5514 DBE Form DES-OE-0102.10D (REV 12/2014),
- Section 2 - Bidding: Caltrans Standard Specifications 2010,
- Section 3 - Contract Award & Execution: Caltrans Standard Specifications 2010,
- Caltrans Electronic Bidding Guide, Revised 07/25/2016,
- Contractors Corner ,
- Office of Business & Economic Opportunity (OBEO)

It should also be noted that the special provisions for contract 08-0E5514, Section 2-1.33A General states that failure to submit the forms and information as specified "*may*" (emphasis added) result in a nonresponsive bid should not be understood as an automatic disqualification. In this case, this is particularly important because Siemens was unable to determine where to return the forms to as no address was provided on any of the mentioned bidder documents. Once Siemens was able to determine where the forms were to be sent all DBE Commitment Forms were hand delivered and received by DES on 11/18/2016.

Per Section 3-1.04 Contract Award of Caltrans Standard Specifications, Siemens Industry, Inc., is the lowest responsible bidder meeting the specifications for the above referenced project. A bidder is responsible if it can perform the contract as promised. Thus, the concept of responsibility focuses on the contractor's trustworthiness, quality, fitness and capacity to satisfactorily perform. See City Of Inglewood-Los Angeles Civic Center Auth. v. Superior Court, 7 Cal.3d 861 (1972).

"A basic rule of competitive bidding is that bids must conform to the specifications and that if a bid does not so conform, it may not be accepted. However, it is further well established that a bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given a bidder an advantage or benefit not allowed other bidders. (emphasis

Siemens Industry, Inc.  
Mobility Division  
Intelligent Traffic Systems

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www.usa.siemens.com

**SIEMENS**

**Infrastructure & Cities**

added)" See Ghilotti Construction Co. v. City Of Richmond, 45 Cal.App.4th 897 (1996), quoting 47 Ops.Cal.Atty. Gen. 129.

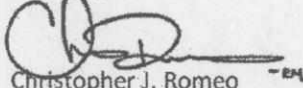
"An agency has discretion to waive immaterial deviations from bid specifications and accept the bid under certain conditions. The point of discretion is that the agency may properly act in either direction. It may waive or refuse to waive such deviations." See MCM v. City & County of San Francisco, 66 Cal.App.4th 359, 373 (1998); see also Ghilotti Construction, 45 Cal.App.4th at 897. In this case, Siemens through no fault of its own was unable to determine where the DBE Commitment Forms were to be sent and were delivered late on account of this. Considering that Siemens actions were reasonable in the circumstances, we would request that your office be guided by the principles cited herein and waive the requirements for timely submission of the DBE Commitment Forms, which lateness should be considered excusable.

Siemens Industry, Inc. is an experienced and qualified contractor for the work specified within Contract 08-0E551. Siemens respectfully requests that Caltrans deem the lowest responsible bidder for the project Siemens Industry Inc.

Please acknowledge receipt of this bid protest and advise the contact information of the person(s) responsible for review and determination. Additionally, we request you provide written correspondence directly back to Siemens indicating any meetings or hearings that may be held to discuss this protest or the award of the project so we may attend and be given the opportunity to present evidence and argument as the law requires. (City of Inglewood, 7 Cal.3d at 867.)

Please contact me directly if you have any questions or to discuss this matter further.

Sincerely,



Christopher J. Romeo -RM  
Director of Sales, Traffic Services; U.S.

ENC: RE: DBE FORMS SUBMISSION - 08-0E5514 - 11/17/2016

# SIEMENS

## Mobility

November 17, 2016

Office Engineer, MS43,  
California Department of Transportation,  
1727 30th Street,  
Sacramento, CA, 95816-7005  
Fax (916) 227-6282

**RE: DBE FORMS SUBMISSION – 08-0E5514**

Dear CalTrans Office Engineer, MS43,

Siemens Industry is submitting the attached DBE forms for review for the above referenced solicitation. As noted in the special provisions these documents were to be received by your office within four working days of bid opening. With the past holiday noted, this submission was due November 16, 2017 by 4PM. Unfortunately and due to no fault of our own, we have been unable to submit this required information to your office.

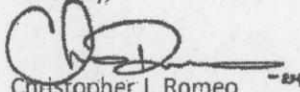
After review of all special provisions, the DBE forms themselves, and phone call to the Office of Business & Economic Opportunity (OBEO), we were still not provided with a location to submit these documents. We were finally directed to speak to the Contract Awards Branch Chief. Upon a brief conversation we were informed that we also should have reviewed the Contractors Corner on CalTrans website for the information to submit these forms to. We were then instructed to send the completed forms to the address above along with a cover letter explaining the situation.

Siemens Industry did consult the Contractors Corner after our conversation with the Contract Awards Branch Chief as well. A review of this website provides an address that is different than listed above adding more confusion to the entire process. Furthermore, the documentation for Electronic Bidding, Revised 07/2016 also fails to mention the submission process in any detail or a location to submit the required forms to.

Based on the confusion and lack of current documentation assisting bidders in supplying this information; Siemens Industry, Inc. is respectfully requesting the Department accept our submission and continue to award 08-0E5514 to Siemens Industry, Inc.

Should you have any questions, please do not hesitate to contact us. We look forward to building a wonderful long-term relationship with the California Department of Transportation

Sincerely,



Christopher J. Romeo  
Director of Sales, Traffic Services; U.S.

Siemens Industry, Inc.  
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08



**Caltrans®**

STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

**NOTICE TO BIDDERS  
AND  
SPECIAL PROVISIONS**

FOR CONSTRUCTION ON STATE HIGHWAY IN SAN BERNARDINO COUNTY  
AT VARIOUS LOCATIONS

In District 08 On Route 210 / 10

Under

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*Bid book dated October 17, 2016*

*Standard Specifications dated 2010*

*Project plans approved June 6, 2016*

*Standard Plans dated 2010*

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Identified by

Contract No. 08-0E5514

08-SBd-10, 210, L5506 - Var

Project ID 0814000085

Federal-Aid Project

ACIM-X071(069)E

**Electronic Bidding Contract**

Bids open Wednesday, November 9, 2016

Dated October 17, 2016

AADD

OSD

IH



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# SPECIAL NOTICES


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- See sections 2 and 3 for contractors' registration requirements.


**CONTRACT NO. 08-0E5514**

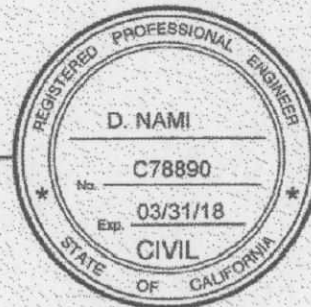
**The special provisions contained herein  
have been prepared by or under the  
direction of the following Registered  
Persons.**


**HIGHWAYS**

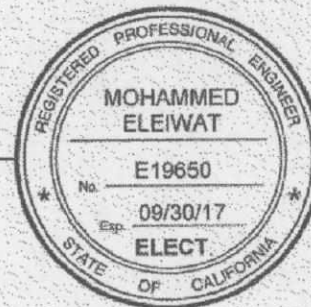
  
REGISTERED CIVIL ENGINEER

**TRAFFIC**

  
REGISTERED CIVIL ENGINEER

**ELECTRICAL**

  
REGISTERED ELECTRICAL ENGINEER



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**REVISED STANDARD SPECIFICATIONS  
APPLICABLE TO THE 2010 EDITION  
OF THE STANDARD SPECIFICATIONS**





**Add to the 4th paragraph of section 1-1.05:**

04-20-12

Any reference directly to a revised standard specification section is for convenience only. Lack of a direct reference to a revised standard specification section does not indicate a revised standard specification for the section does not exist.

**Replace "MSDS" in the 1st table in section 1-1.06 with:**

10-17-14

MSDS<sup>b</sup>**Add to the 1st table of section 1-1.06:**

07-15-16

APCD	air pollution control district
AQMD	air quality management district
CISS	cast-in-steel shell
CSL	crosshole sonic logging
GGL	gamma-gamma logging
LCS	Department's lane closure system
MPQP	<i>Material Plant Quality Program</i> published by the Department
PCMS	portable changeable message sign
POC	pedestrian overcrossing
QSD	qualified SWPPP developer
QSP	qualified SWPPP practitioner
SDS	safety data sheet
TRO	time-related overhead
WPC	water pollution control

**Add to the notes of the 1st table in section 1-1.06:**

10-17-14

<sup>b</sup>Interpret a reference to MSDS as a reference to SDS under 29 CFR 1910.1200.

Delete the abbreviation and its meaning for *UDBE* in the 1st table of section 1-1.06.

06-20-12

Delete "Contract completion date" and its definition in section 1-1.07B.

10-19-12

Delete "critical delay" and its definition in section 1-1.07B.

10-19-12

Replace "day" and its definition in section 1-1.07B with:

10-19-12

**day:** 24 consecutive hours running from midnight to midnight; calendar day.

1. **business day:** Day on the calendar except a Saturday and a holiday.
2. **working day:** Time measure unit for work progress. A working day is any 24-consecutive-hour period except:

- 2.1. Saturday and holiday.
- 2.2. Day during which you cannot perform work on the controlling activity for at least 50 percent of the scheduled work shift with at least 50 percent of the scheduled labor and equipment due to any of the following:
  - 2.2.1. Adverse weather-related conditions.
  - 2.2.2. Maintaining traffic under the Contract.
  - 2.2.3. Suspension of a controlling activity that you and the Engineer agree benefits both parties.
  - 2.2.4. Unanticipated event not caused by either party such as:
    - 2.2.4.1. Act of God.
    - 2.2.4.2. Act of a public enemy.
    - 2.2.4.3. Epidemic.
    - 2.2.4.4. Fire.
    - 2.2.4.5. Flood.
    - 2.2.4.6. Governor-declared state of emergency.
    - 2.2.4.7. Landslide.
    - 2.2.4.8. Quarantine restriction.
  - 2.2.5. Issue involving a third party, including:
    - 2.2.5.1. Industry or area-wide labor strike.
    - 2.2.5.2. Material shortage.
    - 2.2.5.3. Freight embargo.
    - 2.2.5.4. Jurisdictional requirement of a law enforcement agency.
    - 2.2.5.5. Workforce labor dispute of a utility or nonhighway facility owner resulting in a nonhighway facility rearrangement not described and not solely for the Contractor's convenience. Rearrangement of a nonhighway facility includes installation, relocation, alteration, or removal of the facility.
- 2.3. Day during a concurrent delay.
- 3. **original working days:**
  - 3.1. Working days to complete the work shown on the *Notice to Bidders* for a non-cost plus time based bid.
  - 3.2. Working days bid to complete the work for a cost plus time based bid.

Where working days is specified without the modifier "original" in the context of the number of working days to complete the work, interpret the number as the number of original working days as adjusted by any time adjustment.

**Replace "Contract" in the definition of "early completion time" in section 1-1.07B with:**

work

10-19-12

**Replace "excusable delay" and its definition in section 1-1.07B with:**

**delay:** Event that extends the completion of an activity.

10-19-12

- 1. **excusable delay:** Delay caused by the Department and not reasonably foreseeable when the work began such as:
  - 1.1. Change in the work
  - 1.2. Department action that is not part of the Contract
  - 1.3. Presence of an underground utility main not described in the Contract or in a location substantially different from that specified
  - 1.4. Described facility rearrangement not rearranged as described, by the utility owner by the date specified, unless the rearrangement is solely for the Contractor's convenience
  - 1.5. Department's failure to obtain timely access to the right-of-way
  - 1.6. Department's failure to review a submittal or provide notification in the time specified
- 2. **critical delay:** Excusable delay that extends the scheduled completion date

3. **concurrent delay:** Occurrence of at least 2 of the following events in the same period of time, either partially or entirely:
- 3.1. Critical delay
  - 3.2. Delay to a controlling activity caused by you
  - 3.3. Non-working day

**Replace "project" in the definition of "scheduled completion date" in section 1-1.07B with:**

10-19-12

work

**Replace the definition of "traveled way" in section 1-1.07B with:**

01-15-16

Portion of the roadway for the movement of vehicles, exclusive of the shoulders, berms, sidewalks, and parking lanes.

**Add to section 1-1.07B:**

10-30-15

**abandon:** Render unserviceable in place.

**adjust:** Raise or lower a facility to match a new grade line.

10-19-12

**Contract time:** Number of original working days as adjusted by any time adjustment.

06-20-12

**Disadvantaged Business Enterprise:** Disadvantaged Business Enterprise as defined in 49 CFR 26.5.

10-30-15

**modify:** Add to or subtract from an appurtenant part.

**obliterate:** Place an earth cover over or root, plow, pulverize, or scarify.

**quality characteristic:** Characteristic of a material that is measured to determine conformance with a given requirement.

**reconstruct:** Remove and disassemble and construct again at an existing or new location.

**relocate:** Remove and install or place in a new location.

**remove:** Remove and dispose of.

**reset:** Remove and install or place laterally at the same station location.

**salvage:** Remove, clean, and haul to a specified location.

**Replace "PO BOX 911" in the District 3 mailing address in the table in section 1-1.08 with:**

04-20-12

703 B ST



**Replace the Web site for the Department of General Services, Office of Small Business and DVBE Services in the table in section 1-1.11 with:**

11-15-13

<http://www.dgs.ca.gov/dgs/ProgramsServices/BusServices.aspx>

**Replace "--" for the telephone number for the Office Engineer in the table in section 1-1.11 with:**

02-27-15

(916) 227-6299

**Add to the table in section 1-1.11:**

10-30-15

MPQP	<a href="http://www.dot.ca.gov/manuals.htm">http://www.dot.ca.gov/manuals.htm</a>	--	--
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AA

## 2 BIDDING

06-03-16

**Replace the headings and paragraphs in section 2 with:**

02-21-14

### 2-1.01 GENERAL

Section 2 includes specifications related to bid eligibility and the bidding process.

The electronic bid specifications in section 2 apply if *Electronic Bidding Contract* is shown on the cover of the *Notice to Bidders and Special Provisions*.

### 2-1.02 BID INELIGIBILITY

A firm that has provided architectural or engineering services to the Department for this contract before bid submittal for this contract is prohibited from any of the following:

1. Submitting a bid
2. Subcontracting for a part of the work
3. Supplying materials

### 2-1.03 RESERVED

02-27-15

### 2-1.04 CONTRACTOR REGISTRATION

No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

02-21-14

### 2-1.05 RESERVED

10-17-14

### 2-1.06 BID DOCUMENTS

01-23-15

#### 2-1.06A General

The *Bid* book includes bid forms and certifications. For an electronic bid, the *Bid* book includes forms not available through the electronic bidding service.

The *Notice to Bidders and Special Provisions* includes the *Notice to Bidders*, revised standard specifications, and special provisions.

The *Bid* book, including *Bid* book forms not available through the electronic bidding service, *Notice to Bidders and Special Provisions*, project plans, and any addenda to these documents may be accessed at the Bidders' Exchange website.

The *Standard Specifications* and *Standard Plans* may be viewed at the Bidders' Exchange website and may be purchased at the Publication Distribution Unit.

10-17-14

## **2-1.06B Supplemental Project Information**

The Department makes supplemental information available as specified in the special provisions.

Logs of test borings are supplemental project information.

If an *Information Handout* or cross sections are available, you may view them at the Contract Plans and Special Provisions link at the Bidders' Exchange website.

If rock cores are available, you may view them by sending a request to [Coreroom@dot.ca.gov](mailto:Coreroom@dot.ca.gov).

If other supplemental project information is available for inspection, you may view it by phoning in a request.

Make your request at least 7 days before viewing. Include in your request:

1. District-County-Route
2. Contract number
3. Viewing date
4. Contact information, including telephone number

For rock cores, also include the bridge number in your request.

If bridge as-built drawings are available:

1. For a project in District 1 through 6 or 10, you may request them from the Office of Structure Maintenance and Investigations, fax (916) 227-8357
2. For a project in District 7, 8, 9, 11, or 12, you may request them from the Office of Structure Maintenance and Investigations, fax (916) 227-8357, and they are available at the Office of Structure Maintenance and Investigations, Los Angeles, CA, telephone (213) 897-0877

As-built drawings may not show existing dimensions and conditions. Where new construction dimensions are dependent on existing bridge dimensions, verify the field dimensions and adjust dimensions of the work to fit existing conditions.

## **2-1.06C–2-1.06D Reserved**

## **2-1.07 JOB SITE AND DOCUMENT EXAMINATION**

Examine the job site and bid documents. Notify the Department of apparent errors and patent ambiguities in the plans, specifications, and Bid Item List. Failure to do so may result in rejection of a bid or rescission of an award.

Bid submission is your acknowledgment that you have examined the job site and bid documents and are satisfied with:

1. General and local conditions to be encountered
2. Character, quality, and scope of work to be performed
3. Quantities of materials to be furnished
4. Character, quality, and quantity of surface and subsurface materials or obstacles
5. Requirements of the contract

**2-1.08 RESERVED**

02-21-14

**2-1.09 BID ITEM LIST**

06-03-16

Submit a bid based on the bid item quantities the Department shows on the Bid Item List.

**2-1.10 SUBCONTRACTOR LIST**

02-27-15

On the Subcontractor List form, list each subcontractor to perform work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.).

For each subcontractor listed, the Subcontractor List form must show:

1. Business name and the location of its place of business.
2. California contractor license number for a non-federal-aid contract.
3. Public works contractor registration number
4. Portion of work it will perform. Show the portion of the work by:
  - 4.1. Bid item numbers for the subcontracted work
  - 4.2. Percentage of the subcontracted work for each bid item listed
  - 4.3. Description of the subcontracted work if the percentage of the bid item listed is less than 100 percent

**2-1.11 RESERVED**

02-21-14

**2-1.12 DISADVANTAGED BUSINESS ENTERPRISES**

01-23-15

**2-1.12A General**

Section 2-1.12 applies to a federal-aid contract.

Under 49 CFR 26.13(b):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

Include this assurance in each subcontract you sign with a subcontractor.

**2-1.12B Disadvantaged Business Enterprise Goal****2-1.12B(1) General**

Section 2-1.12B applies if a DBE goal is shown on the *Notice to Bidders*.

The Department shows a goal for DBEs to comply with the DBE program objectives provided in 49 CFR 26.1.

Make work available to DBEs and select work parts consistent with available DBEs, including subcontractors, suppliers, service providers, and truckers.

Meet the DBE goal shown on the *Notice to Bidders* or demonstrate that you made adequate good faith efforts to meet this goal.



You are responsible to verify at bid opening the DBE firm is certified as a DBE by the California Unified Certification Program and possess the work codes applicable to the type of work the firm will perform on the Contract.

Determine that selected DBEs perform a commercially useful function for the type of work the DBE will perform on the Contract as provided in 49 CFR 26.55(c)(1)–(4). Under 49 CFR 26.55(c)(1)–(4), the DBE must be responsible for the execution of a distinct element of work and must carry out its responsibility by actually performing, managing, and supervising the work.

All DBE participation will count toward the Department's federally-mandated statewide overall DBE goal.

Credit for materials or supplies you purchase from DBEs will be evaluated on a contract-by-contract basis and counts toward the goal in the following manner:

1. 100 percent if the materials or supplies are obtained from a DBE manufacturer.
2. 60 percent if the materials or supplies are obtained from a DBE regular dealer.
3. Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies, if they are obtained from a DBE that is neither a manufacturer nor regular dealer. 49 CFR 26.55 defines "manufacturer" and "regular dealer."

You receive credit toward the goal if you employ a DBE trucking company that is performing a commercially useful function. The Department uses the following factors in determining whether a DBE trucking company is performing a commercially useful function:

- The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
- The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- The DBE receives credit for the total value of the transportation services it provides on the Contract using trucks it owns, insures, and operates using drivers it employs.
- The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the Contract.
- The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.
- A lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.

[49 Fed Reg 59595 (10/2/14) (to be codified at 49 CFR 26.55(d))]

04-10-15

#### **2-1.12B(2) DBE Commitment Submittal**

Submit DBE information under section 2-1.33.

Submit a copy of the quote from each DBE shown on the DBE Commitment form that describes the type and dollar amount of work shown on the form. Submit a DBE Confirmation form for each DBE shown on the DBE Commitment form to establish that it will be participating in the Contract in the type and dollar amount of work shown on the form. If a DBE is participating as a joint venture partner, submit a copy of the joint venture agreement.

01-23-15

#### **2-1.12B(3) DBE Good Faith Efforts Submittal**

You can meet the DBE requirements by either documenting commitments to DBEs to meet the Contract goal or by documenting adequate good faith efforts to meet the Contract goal. An adequate good faith effort means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal that, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to meet the DBE goal.



If you have not met the DBE goal, complete and submit the DBE Good Faith Efforts Documentation form under section 2-1.33 showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed toward obtaining participation by DBEs are considered.

Submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Department finds that the DBE goal has not been met.

Refer to 49 CFR 26 app A for guidance regarding evaluation of good faith efforts to meet the DBE goal.

The Department considers DBE commitments of other bidders in determining whether the low bidder made good faith efforts to meet the DBE goal.

02-21-14

**2-1.13-2-1.14 RESERVED****2-1.15 DISABLED VETERAN BUSINESS ENTERPRISES****2-1.15A General**

Section 2-1.15 applies to a non-federal-aid contract.

Take necessary and reasonable steps to ensure that DVBEs have the opportunity to participate in the Contract.

Comply with Mil & Vet Code § 999 et seq.

**2-1.15B Projects \$5 Million or Less**

Section 2-1.15B applies to a project with an estimated cost of \$5 million or less.

Make work available to DVBEs and select work parts consistent with available DVBE subcontractors and suppliers.

Meet the goal shown on the *Notice to Bidders*.

Complete and submit the Certified DVBE Summary form under section 2-1.33. List all DVBE participation on this form.

If a DVBE joint venture is used, submit the joint venture agreement with the Certified DVBE Summary form.

List each 1st-tier DVBE subcontractor on the Subcontractor List form regardless of percentage of the total bid.

**2-1.15C Projects More Than \$5 Million****2-1.15C(1) General**

Section 2-1.15C applies to a project with an estimated cost of more than \$5 million.

The Department encourages bidders to obtain DVBE participation to ensure the Department achieves its State-mandated overall DVBE goal.

If you obtain DVBE participation:

1. Complete and submit the Certified DVBE Summary form under section 2-1.33. List all DVBE participation on this form.
2. List each 1st tier DVBE subcontractor in the Subcontractor List form regardless of percentage of the total bid.

If a DVBE joint venture is used, submit the joint venture agreement with the Certified DVBE Summary form.

**2-1.15C(2) DVBE Incentive**

The Department grants a DVBE incentive to each bidder who achieves a DVBE participation of 1 percent or greater (Mil & Vet Code 999.5 and Code of Regs § 1896.98 et seq.).

To receive this incentive, submit the Certified DVBE Summary form under section 2-1.33.

Bidders other than the apparent low bidder, the 2nd low bidder, and the 3rd low bidder may be required to submit the Certified DVBE Summary form if the bid ranking changes. If the Department requests a Certified DVBE Summary form from you, submit the completed form within 4 business days of the request.

### **2-1.15C(3) Incentive Evaluation**

The Department applies the small business and non-small business preference during bid verification and proceeds with the evaluation specified below for DVBE incentive.

The DVBE incentive is a reduction, for bid comparison only, in the total bid submitted by the lesser of the following amounts:

1. Percentage of DVBE achievement rounded to 2 decimal places of the verified total bid of the low bidder
2. 5 percent of the verified total bid of the low bidder
3. \$250,000

The Department applies DVBE incentive and determines whether bid ranking changes.

A non-small business bidder cannot displace a small business bidder. However, a small business bidder with higher DVBE achievement can displace another small business bidder.

The Department proceeds with awarding the contract to the new low bidder and posts the new verified bid results at the Department's Web site.

### **2-1.16-2-1.17 RESERVED**

### **2-1.18 SMALL BUSINESS AND NON-SMALL BUSINESS SUBCONTRACTOR PREFERENCES**

#### **2-1.18A General**

Section 2-1.18 applies to a non-federal-aid contract.

The Department applies small business preferences and non-small business preferences under Govt Code § 14835 et seq. and 2 CA Code of Regs § 1896 et seq.

Any contractor, subcontractor, supplier, or service provider who qualifies as a small business is encouraged to apply for certification as a small business by submitting its application to the Department of General Services, Office of Small Business and DVBE Services.

Contract award is based on the total bid, not the reduced bid.

#### **2-1.18B Small Business Preference**

The Department allows a bidder certified as a small business by the Department of General Services, Office of Small Business and DVBE Services, a preference if:

1. Bidder submitted a completed Request for Small Business Preference or Non-Small Business Preference form with its bid
2. Low bidder did not request the preference or is not certified as a small business

The bidder's signature on the Request for Small Business Preference or Non-Small Business Preference form certifies that the bidder is certified as a small business at the date and time of bid or has submitted a complete application to the Department of General Services. The complete application and any required substantiating documentation must be received by the Department of General Services by 5:00 p.m. on the bid opening date.

The Department of General Services determines whether a bidder was certified on the bid opening date. The Department of Transportation confirms the bidder's status as a small business before applying the small business preference.

The small business preference is a reduction for bid comparison in the total bid submitted by the small business contractor by the lesser of the following amounts:

1. 5 percent of the verified total bid of the low bidder
2. \$50,000

If the Department determines that a certified small business bidder is the low bidder after the application of the small business preference, the Department does not consider a request for non-small business preference.

#### **2-1.18C Non-Small Business Subcontractor Preference**

The Department allows a bidder not certified as a small business by the Department of General Services, Office of Small Business and DVBE Services, a preference if:

1. Bidder submitted a completed Request for Small Business Preference or Non-Small Business Preference form with its bid
2. Certified Small Business Listing for the Non-Small Business Preference form shows that you are subcontracting at least 25 percent to certified small businesses

Each listed subcontractor and supplier must be certified as a small business at the date and time of bid or must have submitted a complete application to the Department of General Services. The complete application and any required substantiating documentation must be received by the Department of General Services by 5:00 p.m. on the bid opening date.

The non-small business subcontractor preference is a reduction for bid comparison in the total bid submitted by the non-small business contractor requesting the preference by the lesser of the following amounts:

1. 5 percent of the verified total bid of the low bidder
2. \$50,000

#### **2-1.19-2-1.26 RESERVED**

#### **2-1.27 CALIFORNIA COMPANIES**

Section 2-1.27 applies to a non-federal-aid contract.

Under Pub Cont Code § 6107, the Department gives preference to a "California company," as defined, for bid comparison purposes over a nonresident contractor from any state that gives or requires a preference to be given to contractors from that state on its public entity construction contracts.

Complete a California Company Preference form.

The California company reciprocal preference amount is equal to the preference amount applied by the state of the nonresident contractor with the lowest responsive bid unless the California company is eligible for a small business preference or a non-small business subcontractor preference, in which case the preference amount is the greater of the two, but not both.

If the low bidder is not a California company and a California company's bid with reciprocal preference is equal to or less than the lowest bid, the Department awards the contract to the California company on the basis of its total bid.

#### **2-1.28 RESERVED**

#### **2-1.29 OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS**

You may opt out of the payment adjustments for price index fluctuations specified in section 9-1.07. To opt out, submit a completed Opt Out of Payment Adjustments for Price Index Fluctuations form under section 2-1.33.

#### **2-1.30-2-1.32 RESERVED**

#### **2-1.33 BID DOCUMENT COMPLETION AND SUBMITTAL**

##### **2-1.33A General**

Complete the forms in the *Bid* book.

Use the forms provided by the Department except as otherwise specified for a bidder's bond.

Do not fax forms except for the copies of forms with the public works contractor registration number submitted after the time of bid. Fax these copies to (916) 227-6282.

02-27-15



Submit the forms and copies of the forms to the Office Engineer.

Failure to submit the forms and information as specified may result in a nonresponsive bid.

If an agent other than the authorized corporate officer or a partnership member signs the bid, file a Power of Attorney with the Department either before opening bids or with the bid. Otherwise, the bid may be nonresponsive.

### **2-1.33B Electronic Bids**

Section 2-1.33B applies to electronic bids.

For an electronic bid, complete and submit the electronic portion of the *Bid* book under the *Electronic Bidding Guide* at the Bidders' Exchange website and submit the paper forms as specified for a paper bid.

Your authorized digital signature is your confirmation of and agreement to all certifications and statements contained in the *Bid* book.

On forms and certifications that you submit through the electronic bidding service, you agree that each form and certification where a signature is required is deemed as having your signature.

### **2-1.33C Paper Bids**

Section 2-1.33C applies to paper bids.

Submit your bid and any *Bid* book forms after you submit your bid:

1. Under sealed cover
2. Marked as a bid
3. Identifying the contract number and the bid opening date

### **2-1.33D Bid Form Submittal Schedules**

#### **2-1.33D(1) General**

The *Bid* book includes forms specific to the contract. The deadlines for the submittal of the forms vary depending on the requirements of each contract. Determine the requirements of the contract and submit the forms based on the applicable schedule specified in section 2-1.33D.

Bid forms and information on the form that are due after the time of bid may be submitted at the time of bid.

#### **2-1.33D(2) Federal-Aid Contracts**

##### **2-1.33D(2)(a) General**

Section 2-1.33D(2) applies to a federal-aid contract.

04-10-15

##### **2-1.33D(2)(b) Contracts with a DBE Goal**

Section 2-1.33D(2)(b) applies if a DBE goal is shown on the *Notice to Bidders*.

Submit the bid forms according to the schedule shown in the following table:



**Bid Form Submittal Schedule for a  
Federal-Aid Contract with a DBE Goal**

Form	Submittal deadline
Bid to the Department of Transportation	Time of bid except for the public works contractor registration number
Copy of the Bid to the Department of Transportation as submitted at the time of bid with the public works contractor registration number	10 days after bid opening
Subcontractor List	Time of bid except for the public works contractor registration number
Copy of the Subcontractor List as submitted at the time of bid with the public works contractor registration number	10 days after bid opening
Small Business Status	Time of bid
Opt Out of Payment Adjustments for Price Index Fluctuations <sup>a</sup>	Time of bid
DBE Commitment	No later than 4 p.m. on the 4th business day after bid opening
DBE Confirmation	No later than 4 p.m. on the 4th business day after bid opening
DBE Good Faith Efforts Documentation	No later than 4 p.m. on the 4th business day after bid opening

<sup>a</sup>Submit only if you choose the option.

02-27-15

**2-1.33D(2)(c) Contracts without a DBE Goal**

Reserved

**2-1.33D(2)(d)–2-1.33D(2)(h) Reserved**

**2-1.33D(3) Non-Federal-Aid Contracts**

**2-1.33D(3)(a) General**

Section 2-1.33D(3) applies to non-federal-aid contracts.

**2-1.33D(3)(b) Contracts with a DVBE Goal**

Section 2-1.33D(3)(b) applies if a DVBE goal is shown on the *Notice to Bidders*.

Submit the bid forms according to the schedule shown in the following table:

**Bid Form Submittal Schedule for a  
Non-Federal-Aid Contract with a DVBE Goal**

Form	Submittal deadline
Bid to the Department of Transportation	Time of bid except for the public works contractor registration number for a joint-venture contract
For a joint-venture contract, copy of the Bid to the Department of Transportation as submitted at the time of bid with the public works contractor registration number	10 days after bid opening
Subcontractor List	Time of bid
Opt Out of Payment Adjustments for Price Index Fluctuations <sup>a</sup>	Time of bid
Certified DVBE Summary	No later than 4 p.m. on the 4th business day after bid opening
California Company Preference	Time of bid
Request for Small Business Preference or Non-Small Business Preference <sup>a</sup>	Time of bid
Certified Small Business Listing for the Non-Small Business Preference <sup>a</sup>	No later than 4 p.m. on the 2nd business day after bid opening

<sup>a</sup>Submit only if you choose the option or preference.

#### **2-1.33D(3)(c) Contracts without a DVBE Goal**

Reserved

#### **2-1.33D(3)(d)–2-1.33D(3)(h) Reserved**

#### **2-1.33D(4)–2-1.33D(9) Reserved**

02-21-14

#### **2-1.34 BIDDER'S SECURITY**

Submit one of the following forms of bidder's security equal to at least 10 percent of the bid:

1. Cash
2. Cashier's check
3. Certified check
4. Signed bidder's bond by an admitted surety insurer
5. For an electronic bid, electronic bidder's bond by an admitted surety insurer submitted using an electronic registry service approved by the Department.

Submit cash, cashier's check, certified check, or bidder's bond to the Department at the Bidders Exchange before the bid opening time.

Submit electronic bidder's bond with the electronic bid.

If using a bidder's bond, you may use the form in the *Bid* book. If you do not use the form in the *Bid* book, use a form containing the same information.

#### **2-1.35–2-1.39 RESERVED**

#### **2-1.40 BID WITHDRAWAL**

For a paper bid:

1. An authorized agent may withdraw a bid before the bid opening date and time by submitting a written bid withdrawal request at the location where the bid was submitted. Withdrawing a bid does not prevent you from submitting a new bid.
2. After the bid opening time, you cannot withdraw a bid.

For an electronic bid:

1. Bids are not filed with the Department until the date and time of bid opening.

2. A bidder may withdraw or revise a bid after it has been submitted to the electronic bidding service if this is done before the bid opening date and time.

**2-1.41-2-1.42 RESERVED****2-1.43 BID OPENING**

The Department publicly opens and reads bids at the time and place shown on the *Notice to Bidders*.

**2-1.44-2-1.45 RESERVED****2-1.46 DEPARTMENT'S DECISION ON BID**

The Department's decision on the bid amount is final.

The Department may reject:

1. All bids
2. A nonresponsive bid

**2-1.47 BID RELIEF**

The Department may grant bid relief under Pub Cont Code § 5100 et seq. Submit any request for bid relief to the Office Engineer. The Relief of Bid Request form is available at the Department's website.

**2-1.48 RESERVED****2-1.49 SUBMITTAL FAILURE HISTORY**

The Department considers a bidder's past failure to submit documents required after bid opening in determining a bidder's responsibility.

**2-1.50 BID RIGGING**

Section 2-1.50 applies to a federal-aid contract.

The U.S. Department of Transportation (DOT) provides a toll-free hotline to report bid rigging activities. Use the hotline to report bid rigging, bidder collusion, and other fraudulent activities. The hotline number is (800) 424-9071. The service is available 24 hours 7 days a week and is confidential and anonymous. The hotline is part of the DOT's effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General.

\*\*\*\*\*

**3 CONTRACT AWARD AND EXECUTION**

02-27-15

Replace section 3-1.02 with:

02-21-14

**3-1.02 CONSIDERATION OF BIDS****3-1.02A General**

For a lump sum based bid, the Department compares bids based on the total price.

For a unit price based bid, the Department compares bids based on the sum of the item totals.

For a cost plus time based bid, the Department compares bids based on the sum of the item totals and the total bid for time.

**3-1.02B Tied Bids**

The Department breaks a tied bid with a coin toss except:

1. If a small business bidder and a non-small business bidder request preferences and the reductions result in a tied bid, the Department awards the contract to the small business bidder.

2. If a DVBE small business bidder and a non-DVBE small business bidder request preferences and the reduction results in a tied bid, the Department awards the contract to the DVBE small business bidder.

**Replace section 3-1.03 with:**

02-27-15

### **3-1.03 CONTRACTOR REGISTRATION**

No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

**Add to the end of section 3-1.04:**

10-19-12

You may request to extend the award period by faxing a request to (916) 227-6282 before 4:00 p.m. on the last day of the award period. If you do not make this request, after the specified award period:

1. Your bid becomes invalid
2. You are not eligible for the award of the contract

**Replace the paragraph in section 3-1.11 with:**

10-19-12

Complete and deliver to the Office Engineer a *Payee Data Record* when requested by the Department.

**Replace section 3-1.12 with:**

01-23-15

### **3-1.12 RESERVED**

**Replace section 3-1.13 with:**

07-27-12

### **3-1.13 FORM FHWA-1273**

For a federal-aid contract, form FHWA-1273 is included with the Contract form in the documents sent to the successful bidder for execution. Comply with its provisions. Interpret the training and promotion section as specified in section 7-1.11A.

**Delete items 4 and 6 of the 2nd paragraph of section 3-1.18.**

01-23-15

**Delete the 3rd paragraph of section 3-1.18.**

02-27-15

**Replace "For all other contracts, the" in the 4th paragraph of section 3-1.18 with:**

02-27-15

The



AA

#### 4 SCOPE OF WORK

10-30-15

**Replace the 2nd paragraph of section 4-1.13 with:**

10-30-15

The Department does not require you to remove warning, regulatory, or guide signs before Contract acceptance.

AA

#### 5 CONTROL OF WORK

10-30-15

**Add between "million" and ", professionally" in the 3rd paragraph of section 5-1.09A:**

10-19-12

and 100 or more working days

**Add to the list in the 4th paragraph of section 5-1.09A:**

10-19-12

9. Considering discussing with and involving all stakeholders in evaluating potential VECs

**Add to the end of item 1.1 in the list in the 7th paragraph of section 5-1.09A:**

10-19-12

, including VECs

**Replace the 1st paragraph of section 5-1.09C with:**

10-19-12

For a contract with a total bid over \$10 million and 100 or more working days, training in partnering skills development is required.

10-19-12

**Delete the 2nd paragraph of section 5-1.09C.****Replace "at least 2 representatives" in the 5th paragraph of section 5-1.09C with:**

10-19-12

field supervisory personnel

**Replace the 8th paragraph of section 5-1.13A with:**

04-24-15

Each subcontractor must have an active and valid:

1. State contractor license with a classification appropriate for the work to be performed (Bus & Prof Code § 7000 et seq.)
2. Public works contractor registration number with the Department of Industrial Relations

**Replace section 5-1.13B with:**

01-23-15

**5-1.13B Disadvantaged Business Enterprises****5-1.13B(1) General**

Section 5-1.13B applies to a federal-aid contract.

Use each DBE as listed on the DBE Commitment form unless you receive authorization for a substitution. Ensure that all subcontracts and agreements with DBEs to supply labor or materials are performed under 49 CFR 26.

Maintain records, including:

1. Name and business address of each 1st-tier subcontractor
2. Name and business address of each DBE subcontractor, DBE vendor, and DBE trucking company, regardless of tier
3. Date of payment and total amount paid to each business

If you are a DBE contractor, include the date of work performed by your own forces and the corresponding value of the work.

Before the 15th day of each month for the previous month's work, submit:

1. Monthly DBE Trucking Verification form
2. Monthly DBE Payment form

If a DBE is decertified before completing its work, the DBE must notify you in writing of the decertification date. If a business becomes a certified DBE before completing its work, the business must notify you in writing of the certification date. Submit the notifications. Upon work completion, complete a Disadvantaged Business Enterprises (DBE) Certification Status Change form. Submit the form within 30 days of Contract acceptance.

Upon work completion, complete a Final Report – Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors form. Submit it within 30 days of Contract acceptance. The Department withholds \$10,000 until the form is submitted. The Department releases the withhold upon submission of the completed form.

04-10-15

**5-1.13B(2) Performance of Disadvantaged Business Enterprises**

Section 5-1.13(B)(2) applies if a DBE goal is shown on the *Notice to Bidders*.

DBEs must perform work or supply materials as listed on the DBE Commitment form.

Do not terminate or substitute a listed DBE for convenience and perform the work with your own forces or those of an affiliate, a non-DBE firm, or another DBE firm or obtain materials from other sources without authorization from the Department.

The Department authorizes a request to use other forces or sources of materials if it shows any of the following justifications:

1. Listed DBE fails or refuses to execute a written contract based on the plans and specifications for the project.
2. You stipulated that a bond is a condition of executing the subcontract and the listed DBE fails to meet your bond requirements.
3. Work requires a contractor license and the listed DBE does not have a valid license under the Contractors License Law.
4. Listed DBE fails or refuses to perform the work or furnish the listed materials.
5. Listed DBE's work is unsatisfactory and not in compliance with the Contract.
6. Listed DBE is ineligible to work on the project because of suspension or debarment.
7. Listed DBE becomes bankrupt or insolvent.
8. Listed DBE voluntarily withdraws with written notice from the Contract.

9. Listed DBE is ineligible to receive credit for the type of work required.
10. Listed DBE owner dies or becomes disabled resulting in the inability to perform the work on the Contract.
11. Department determines other documented good cause under 49 CFR 26.53.

Notify the original DBE of your intent to use other forces or material sources and provide the reasons. Provide the DBE with 5 business days to respond to your notice and advise you and the Department of the reasons why the use of other forces or sources of materials should not occur. Your request to use other forces or material sources must include:

1. 1 or more of the reasons listed in the preceding paragraph
2. Notices from you to the DBE regarding the request
3. Notices from the DBE to you regarding the request

If the Department authorizes the termination or substitution of a listed DBE, make good faith efforts to find another DBE. The substitute DBE must (1) perform at least the same dollar amount of work as the original DBE under the Contract to the extent needed to meet the DBE goal and (2) be certified as a DBE with the work code applicable to the type of work the DBE will perform on the Contract at the time of your request for substitution. Submit your documentation of good faith efforts within 7 days of your request for authorization of the substitution. The Department may authorize a 7-day extension of this submittal period at your request. Refer to 49 CFR 26 app A for guidance regarding evaluation of good faith efforts to meet the DBE goal.

Unless the Department authorizes a request to terminate or substitute a listed DBE, the Department does not pay for work unless it is performed or supplied by the DBE listed on the DBE Commitment form. You may be subject to other sanctions under 49 CFR 26.

**Replace the paragraphs of section 5-1.13C with:**

11-15-13

Section 5-1.13C applies to a non-federal-aid contract.

Use each DVBE as shown on the *Certified DVBE Summary* form unless you receive authorization from the Department for a substitution. The substitute must be another DVBE unless DVBEs are not available, in which case, you must substitute with a small business. Any authorization for a substitute is contingent upon the Department of General Services' approval of the substitute.

The requirement that DVBEs be certified by the bid opening date does not apply to DVBE substitutions after Contract award.

The Department authorizes substitutions for any of the reasons provided in 2 CA Code of Regs § 1896.73.

Include in your substitution request:

1. Copy of the written notice issued to the DVBE with proof of delivery
2. Copy of the DVBE's response to the notice
3. Name and certification number of the listed DVBE and the proposed substitute

Requests for substitutions of a listed DVBE with a small business must include documentation of the unavailability of DVBEs, including:

1. Contact with the small business/DVBE advocate from the Department and the Department of Veterans Affairs
2. Search results from the Department of General Services' website of available DVBEs
3. Communication with a DVBE community organization nearest the job site, if applicable
4. Documented communication with the DVBE and small businesses describing the work to be performed, the percentage of the total bid, the corresponding dollar amount, and the responses to the communication

The Department forwards your substitution request to the Department of General Services. The Department of General Services issues a notice of approval or denial. The Department provides you this notice.

If you fail to use a listed DVBE without an authorized substitution request, the Department issues a penalty of up to 10 percent of the dollar amount of the work of the listed DVBE.

Maintain records of subcontracts made with DVBEs. Include in the records:

1. Name and business address of each business
2. Total amount paid to each business

For the purpose of determining compliance with Pub Cont Code § 10115 et seq.:

1. Upon work completion, complete and submit *Final Report - Utilization of Disabled Veteran Business Enterprises (DVBE) State Funded Projects Only* form.
2. Upon reasonable notice and during normal business hours, permit access to its premises for the purposes of:
  - 2.1. Interviewing employees.
  - 2.2. Inspecting and copying books, records, accounts and other material that may be relevant to a matter under investigation.

**Replace "Reserved" in section 5-1.20C with:**

10-19-12

If the Contract includes an agreement with a railroad company, the Department makes the provisions of the agreement available in the *Information Handout* in the document titled "Railroad Relations and Insurance Requirements." Comply with the requirements in the document.

**Replace section 5-1.20E with:**

05-30-14

**5-1.20E Water Meter Charges**

Section 5-1.20E applies if a bid item for water meter charges is shown on the Bid Item List. The charges are specified in a special provision for section 5-1.20E.

The local water authority will install the water meters.

The charges by the local water authority include:

1. Furnishing and installing each water meter
2. Connecting to the local water authority's main water line, including any required hot tap or tee
3. Furnishing and installing an extension pipe from the main water line to the water meter
4. Sterilizing the extension pipe

Make arrangements and pay the charges for the installation of the water meters.

If a charge is changed at the time of installation, the Department adjusts the lump sum price based on the difference between the specified charges and the changed charges.

**Replace section 5-1.20F with:**

05-30-14

**5-1.20F Irrigation Water Service Charges**

Reserved



**Add between the 2nd and 3rd paragraphs of section 5-1.23A:**

Submit action and informational submittals to the Engineer.

10-19-12

**Add between the 5th and 6th paragraphs of section 5-1.23B(1):**

For a revised submittal, allow the same number of days for review as for the original submittal.

07-19-13

**Delete the 1st sentence in the 10th paragraph of section 5-1.23B(2).**

07-19-13

**Add to the list in the 1st paragraph of section 5-1.36A:**

10. Survey monuments

07-19-13

**Add to section 5-1.36C:**

If the Contract does not include an agreement with a railroad company, do not allow personnel or equipment on railroad property.

07-20-12

Prevent material, equipment, and debris from falling onto railroad property.

**Add to section 5-1.36:****5-1.36E Survey Monuments**

07-19-13

Protect survey monuments on and off the highway. Upon discovery of a survey monument not identified and located immediately:

1. Stop work near the monument
2. Notify the Engineer

Do not resume work near the monument until authorized.

**Add between the 1st and 2nd paragraphs of section 5-1.37A:**

Do not remove any padlock used to secure a portion of the work until the Engineer is present to replace it. Notify the Engineer at least 3 days before removing the lock.

10-19-12

**Replace the 1st sentence of the 1st paragraph of section 5-1.39C(2) with:**

Section 5-1.39C(2) applies if a plant establishment period of 3 years or more is shown on the *Notice to Bidders*.

10-19-12

**Replace "working days" in the 1st paragraph of section 5-1.43E(1)(a) with:**

original working days

10-19-12

**Replace "settled" in the last paragraph of section 5-1.43E(1)(d) with:**

resolved

04-10-15

**Replace items 3.1 and 3.2 in the list in the paragraph of section 5-1.43E(3)(b) with:**

- 3.1. One-time objection to the other's candidate without stating a reason
- 3.2. Objection to any of the other's subsequent candidates based on a specific breach of the candidate's responsibilities or qualifications under items 1 and 2 above

04-24-15

**Add between "held" and "no later than" in the 2nd sentence of the 1st paragraph of section 5-1.43E(3)(e):**

no sooner than 30 days and

10-30-15

AA

## **6 CONTROL OF MATERIALS**

10-30-15

**Add between "replacing" and "Department-furnished" in the 1st sentence in the last paragraph of section 6-2.03:**

lost or damaged

10-30-15

**Replace section 6-2.05C with:**

### **6-2.05C Steel and Iron Materials**

04-19-13

Steel and iron materials must be melted and manufactured in the United States except:

1. Foreign pig iron and processed, pelletized, and reduced iron ore may be used in the domestic production of the steel and iron materials
2. If the total combined cost of the materials does not exceed the greater of 0.1 percent of the total bid or \$2,500, materials produced outside the United States may be used if authorized

10-24-15

Furnish steel and iron materials to be incorporated into the work with certificates of compliance and certified mill test reports. Mill test reports must indicate where the steel and iron were melted and manufactured.

04-19-13

All melting and manufacturing processes for these materials, including an application of a coating, must occur in the United States. Coating includes all processes that protect or enhance the value of the material to which the coating is applied.

**Replace the 2nd paragraph of section 6-3.04 with:**

Develop, implement, and maintain a QC program.

10-30-15

08



STATE OF CALIFORNIA  
DEPARTMENT OF TRANSPORTATION

## FORMS FOR BID

FOR CONSTRUCTION ON STATE HIGHWAY IN SAN BERNARDINO COUNTY AT  
VARIOUS LOCATIONS

In District 08 On Route 210 / 10

Under

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*Notice to Bidders and Special Provisions* dated October 17, 2016

*Standard Specifications* dated 2010

Project plans approved June 6, 2016

*Standard Plans* dated 2010

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Applicable to

Electronic *Bid* book dated October 17, 2016

Identified by

Contract No. 08-0E5514

08-SBd-10, 210, L5506 - Var

Project ID 0814000085

Federal-Aid Project

ACIM-X071(069)E

Bids open Wednesday, November 9, 2016

Dated October 17, 2016  
AADD

## STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

**DBE - COMMITMENT**

DES-OE-0102.10D (REV 12/2014)

CONTRACT NO:

BID AMOUNT:

\$

BID OPENING DATE:

BIDDER'S NAME:

DBE GOAL FROM CONTRACT %:

DBE PRIME CONTRACTOR CERTIFICATION<sup>1</sup>:

TOTAL NUMBER OF ALL SUBCONTRACTS (DBE &amp; NON-DBE)

TOTAL VALUE OF ALL SUBCONTRACTS (DBE &amp; NON-DBE)

BID ITEM NO.	ITEM OF WORK AND DESCRIPTION OF SERVICES TO BE SUBCONTRACTED OR MATERIALS TO BE PROVIDED <sup>2</sup>	WORK CATEGORY CODES <sup>3</sup>	NAME OF DBEs (Must be certified on the date bids are opened. Include Caltrans' certification no., DBE address, and phone number. Show 2nd and lower tier subcontractors)	AMOUNT (\$)

Show all DBE firms being claimed for credit, regardless of tier. Attach written confirmation from each DBE shown stating that it will be participating in the contract to perform the specific work shown for the specific amount agreed to.

The names of the 1st tier DBE subcontractors and items of work must be consistent with the Subcontractor List (Pub Cont Code § 4100 et seq.).

<sup>1</sup>Each DBE prime contractor must enter its certification number and show all work to be performed by DBEs, including work performed by its own forces.

<sup>2</sup>If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

<sup>3</sup>Use Work Category Codes from the California Unified Certification Program database.

Total Claimed  
Participation

\$

%

The bidder acknowledges that it is committed to use the DBEs shown on this form to meet the contract goal (49 CFR 26.53).

Signature of Bidder

Date

(Area Code) Tel. No.

Person to Contact

(Please Type or Print)

**ADA Notice**

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.



## DES-OE-0102.13 (NEW 05/2015)

Date: \_\_\_\_\_

[illegible]

<sup>1</sup>If 100% of an item is not to be performed or furnished by the DBE, describe the exact portion of the item to be performed or furnished.

Total

As an authorized representative of a certified disadvantaged business enterprise, I confirm that my business was contacted by the bidder or prime contractor shown above regarding the contract shown above. If the bidder is awarded the contract, my business will enter into a contractual agreement with the bidder or prime contractor to perform the type and dollar amount of work shown on the DBE Commitment form.

I certify under penalty of perjury that the foregoing is true and correct.

Signature of DBE's authorized representative:

Printed name of DBE's authorized representative: \_\_\_\_\_

Title of DBE's authorized representative:

Date: \_\_\_\_\_

ADA Notice

For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms Management Unit at (916) 446-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Contract No. 08-0E5514

Bidder's Name: \_\_\_\_\_  
Contract No.: \_\_\_\_\_

1. List items of work the Bidder made available to DBE firms. Identify items of work the Bidder might otherwise perform with its own forces, items that have been broken down into economically feasible units to facilitate DBE participation, and items for which the Bidder has established flexible time frames for performance and delivery schedules in a manner that encourages and facilitates DBE participation. For each item listed, show the dollar value and percentage of the total contract. The Bidder must demonstrate that sufficient work to meet the goal was made available to DBE firms.

[illegible]

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**DBE GOOD FAITH EFFORTS DOCUMENTATION**  
 DES-OE-0102 11A (REV 12/2014)

Bidder's Name: \_\_\_\_\_

Contract No.: \_\_\_\_\_

Page 2 of 3

2. List the names of certified DBEs and all the dates on which they were solicited to bid on this project. Include the items of work offered and the dates and methods used for following up initial and follow-up solicitations to determine with certainty whether the DBEs were interested. Attach copies of solicitations, e-mail messages, telephone records, fax confirmations, etc.

Name of DBE Solicited	Date of Initial Solicitation	Items of Work Offered	Follow Up Methods and Dates

3. For each item of work made available, indicate whether the Bidder provided plans and specifications specific to the items of work being offered, list the selected firm and its status as a DBE, the DBEs that provided quotes, the price quote for each firm, and the price difference for each DBE if the selected firm is not a DBE. Provide copies of each DBE and Non-DBE quote submitted to the Bidder whenever a Non-DBE firm was selected over a DBE for work on the Contract.

Items of Work	Provided Plans/ Specifications for Work Offered Yes/No	Name of Selected Firm	DBE or Non-DBE	Name of Rejected Firm	Quote (\$)	Price Difference (\$)
	<input type="checkbox"/> YES <input type="checkbox"/> NO					
	<input type="checkbox"/> YES <input type="checkbox"/> NO					
	<input type="checkbox"/> YES <input type="checkbox"/> NO					
	<input type="checkbox"/> YES <input type="checkbox"/> NO					
	<input type="checkbox"/> YES <input type="checkbox"/> NO					
	<input type="checkbox"/> YES <input type="checkbox"/> NO					
	<input type="checkbox"/> YES <input type="checkbox"/> NO					
	<input type="checkbox"/> YES <input type="checkbox"/> NO					
	<input type="checkbox"/> YES <input type="checkbox"/> NO					

If the firm selected for the item is not a DBE, provide the reasons for the selection on a separate sheet and attach names, addresses, and phone numbers for the firms listed above. Provide evidence as to why additional agreements could not be reached for DBEs to perform work.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**DBE GOOD FAITH EFFORTS DOCUMENTATION**  
DES-OE-0102 11A (REV 12/2014)

Bidder's Name: \_\_\_\_\_

Contract No.: \_\_\_\_\_

Page 3 of 3

4. Describe the Bidder's outreach efforts to identify and solicit the interest of all certified DBEs that have the capability to perform the work of the Contract. Provide copies of supporting documents.

Description of Outreach	Dates	Location (if applicable)	Results

5. Describe the Bidder's efforts made to provide interested DBEs with adequate information about the plans, specifications, and requirements of the Contract to assist them in responding to a solicitation. Identify the DBEs assisted, the type of information provided, and the date of the contracts. Provide copies of supporting documents.

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6. Describe the Bidder's efforts made to assist interested DBEs in obtaining bonding, lines of credit, or insurance. Identify the DBEs assisted, the type of assistance offered, and the dates. Provide copies of supporting documents.

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7. Describe the Bidder's efforts made to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE purchases or leases from the prime contractor or its affiliate. Identify the DBEs assisted, the type of assistance offered, and the dates. Provide copies of supporting documents. List efforts made to assist interested DBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the DBE subcontractor purchases or leases from the prime contractor or its affiliate. Identify the DBE assisted, the assistance offered, and the date. Provide copies of supporting documents.

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8. List the names of agencies and the dates on which they were contacted to provide assistance in contacting, recruiting, and using DBE firms. If the agencies were contacted in writing, provide copies of supporting documents.

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9. Include additional data to support a demonstration of good faith efforts.

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**NOTE:** USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.

**ADA Notice**

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## 2 BIDDING

### 2-1.01 GENERAL

Section 2 includes specifications related to bid eligibility and the bidding process.

### 2-1.02 BID INELIGIBILITY

A firm that has provided architectural or engineering services to the Department for this contract before bid submittal for this contract is prohibited from any of the following:

1. Submitting a bid
2. Subcontracting for a part of the work
3. Supplying materials

### 2-1.03-2-1.05 RESERVED

### 2-1.06 BID DOCUMENTS

#### 2-1.06A General

*Standard Specifications* and *Standard Plans* may be viewed at the Bidders' Exchange Web site and may be purchased at the Publication Distribution Unit.

The *Notice to Bidders* and *Special Provisions* and project plans may be viewed at the Bidders' Exchange Web site and at the street address.

*Bid* books may be ordered at the Bidders' Exchange Web site.

For an informal-bid contract in addition to viewing and ordering them as specified above, the *Notice to Bidders* and *Special Provisions*, project plans, and *Bid* book may be obtained at the Bidders' Exchange street address.

The *Notice to Bidders* and *Special Provisions* includes the *Notice to Bidders*, revised standard specifications, and special provisions.

#### 2-1.06B Supplemental Project Information

The Department makes supplemental information available as specified in the special provisions.

Logs of test borings are supplemental project information.

If an *Information Handout* is available:

1. You may view it at the Bidders' Exchange Web site
2. For an informal-bid contract, you may obtain it at the Bidders' Exchange street address

If rock cores are available, you may view them by sending a request to [Coreroom@dot.ca.gov](mailto:Coreroom@dot.ca.gov).

If other supplemental project information is available for inspection, you may view it by phoning in a request. Make your request at least 7 days before viewing. Include in your request:

1. District-County-Route
2. Contract number
3. Viewing date
4. Contact information, including telephone number

For rock cores, also include the bridge number in your request.

If bridge as-built drawings are available:

1. For a project in District 1 through 6 or 10, you may request them from the Office of Structure Maintenance and Investigations, fax (916) 227-8357
2. For a project in District 7, 8, 9, 11, or 12, you may request them from the Office of Structure Maintenance and Investigations, fax (916) 227-8357, and are available at the Office of Structure Maintenance and Investigations, Los Angeles, CA, telephone (213) 897-0877

**SECTION 2****BIDDING**

As-built drawings may not show existing dimensions and conditions. Where new construction dimensions are dependent on existing bridge dimensions, verify the field dimensions and adjust dimensions of the work to fit existing conditions.

**2-1.06C–2-1.06D Reserved****2-1.07–2-1.11 RESERVED****2-1.12 DISADVANTAGED BUSINESS ENTERPRISES****2-1.12A General**

Section 2-1.12 applies to a federal-aid contract.

Under 49 CFR 26.13(b):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Take necessary and reasonable steps to ensure that DBEs have opportunity to participate in the Contract (49 CFR 26).

**2-1.12B Underutilized Disadvantaged Business Enterprises****2-1.12B(1) General**

Section 2-1.12B applies if a UDBE goal is shown on the *Notice to Bidders*.

To ensure equal participation of DBE groups provided in 49 CFR 26.5, the Department shows a goal for UDBEs. A UDBE is a firm that meets the definition of DBE and is a member of one of the following groups:

1. Black Americans
2. Native Americans
3. Asian-Pacific Americans
4. Women

References to DBEs include UDBEs, but references to UDBEs do not include all DBEs.

Make work available to UDBEs and select work parts consistent with available UDBE subcontractors and suppliers.

Meet the UDBE goal shown on the *Notice to Bidders* or demonstrate that you made adequate good faith efforts to meet this goal.

You are responsible to verify that the at the bid opening date the UDBE firm is certified as DBE by the CA Unified Certification Program.

Only UDBE participation will count toward the UDBE goal. DBE participation will count toward the Department's federally-mandated statewide overall DBE goal.

Credit for materials or supplies you purchase from UDBEs counts toward the goal in the following manner:

1. 100 percent if the materials or supplies are obtained from a UDBE manufacturer.
2. 60 percent if the materials or supplies are obtained from a UDBE regular dealer.
3. Only fees, commissions, and charges for assistance in the procurement and delivery of materials or supplies, if they are obtained from a UDBE that is neither a manufacturer nor regular dealer. 49 CFR 26.55 defines "manufacturer" and "regular dealer."

You receive credit toward the goal if you employ a UDBE trucking company that performs a commercially useful function as defined in 49 CFR 26.55(d)(1)–(4), (6).

**SECTION 2****BIDDING****2-1.12B(2) UDBE Commitment Submittal**

Submit UDBE information on the *Caltrans Bidder - UDBE - Commitment* form (UDBE commitment form) included in the *Bid* book. If the form is not submitted with the bid, remove the form from the *Bid* book before submitting your bid.

If the UDBE commitment form is not submitted with the bid, the apparent low bidder, the 2nd low bidder, and the 3rd low bidder must complete and submit the form to the Office Engineer. The UDBE commitment form must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening.

Other bidders are not required to submit the UDBE commitment form unless the Department requests it. If the Department requests a UDBE commitment form from you, submit the completed form within 4 business days of the request.

Submit written confirmation from each UDBE shown on the form stating that it will be participating in the Contract. Include confirmation with the UDBE commitment form. A copy of a UDBE's quote will serve as written confirmation that the UDBE will be participating in the Contract.

If you do not submit the UDBE commitment form by the specified time, your bid is nonresponsive.

**2-1.12B(3) Good Faith Efforts Submittal**

If you have not met the UDBE goal, complete and submit the *Good Faith Efforts Documentation* form with the bid showing that you made adequate good faith efforts to meet the goal. Only good faith efforts directed toward obtaining participation by UDBEs are considered. If good faith efforts documentation is not submitted with the bid, it must be received by the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening.

If your UDBE commitment form shows that you have met the UDBE goal or if you are required to submit the UDBE commitment form, you must submit good faith efforts documentation within the specified time to protect your eligibility for award of the contract in the event the Department finds that the UDBE goal has not been met. Good faith efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work you have made available to UDBE firms. Identify those items of work you might otherwise perform with your own forces and those items that have been broken down into economically feasible units to facilitate UDBE participation. For each item listed, show the dollar value and percentage of the total bid. You are responsible to demonstrate that sufficient work to meet the goal was made available to UDBE firms.
2. Names of certified UDBEs and dates on which they were solicited to bid on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty whether the UDBEs were interested and include the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified UDBEs through all reasonable and available means and provide enough time to allow UDBEs to respond.
3. Name of selected firm and its status as a UDBE for each item of work made available. Include name, address, and telephone number of each UDBE that provided a quote and its price quote. If the firm selected for the item is not a UDBE, provide the reasons for the selection.
4. Name and date of each publication in which you requested UDBE participation for the project. Attach copies of the published advertisements.
5. Names of agencies and dates on which they were contacted to provide assistance in contacting, recruiting, and using UDBE firms. If the agencies were contacted in writing, provide copies of supporting documents.
6. List of efforts made to provide interested UDBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in responding to a solicitation. If you have provided information, identify the name of the UDBE assisted, the nature of the information provided, and date of contact. Provide copies of supporting documents, as appropriate.
7. List of efforts made to assist interested UDBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials excluding supplies and equipment that the UDBE subcontractor purchases or leases from the prime contractor or its affiliate. If such assistance is provided by you, identify the name of the UDBE assisted, nature of the assistance offered, and date assistance was offered. Provide copies of supporting documents, as appropriate.



**SECTION 2****BIDDING**

8. Any additional data to support demonstration of good faith efforts.

The Department may consider UDBE commitments of the 2nd and 3rd bidders in determining whether the low bidder made good faith efforts to meet the UDBE goal.

**2-1.13–2-1.14 RESERVED****2-1.15 DISABLED VETERAN BUSINESS ENTERPRISES****2-1.15A General**

Section 2-1.15 applies to a non-federal-aid contract.

Take necessary and reasonable steps to ensure that DVBEs have opportunity to participate in the Contract.

Comply with Mil & Vet Code § 999 et seq.

**2-1.15B Projects \$5 Million or Less**

Section 2-1.15B applies to a project with an estimated cost of \$5 million or less.

Make work available to DVBEs and select work parts consistent with available DVBE subcontractors and suppliers.

Meet the goal shown on the *Notice to Bidders*.

Complete and submit the *Certified DVBE Summary* form. List all DVBE participation on this form. For an informal-bid contract, submit the form with your bid. For a non-informal-bid contract, you may submit the form with your bid; if you do not, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening. If a DVBE joint venture is used, submit the joint venture agreement with the *Certified DVBE Summary* form.

List each 1st-tier DVBE subcontractor in the *Subcontractor List* form regardless of percentage of the total bid.

**2-1.15C Projects More Than \$5 Million****2-1.15C(1) General**

Section 2-1.15C applies to a project with an estimated cost of more than \$5 million

The Department encourages bidders to obtain DVBE participation to ensure the Department achieves its State-mandated overall DVBE goal.

If you obtain DVBE participation:

1. Complete and submit the *Certified DVBE Summary* form. List all DVBE participation on this form.
2. List each 1st tier DVBE subcontractor in the *Subcontractor List* form regardless of percentage of the total bid.

**2-1.15C(2) DVBE Incentive**

The Department grants a DVBE incentive to each bidder who achieves a DVBE participation of 1 percent or greater (Mil & Vet Code 999.5 and Code of Regs § 1896.98 et seq.).

To receive this incentive, submit the *Certified DVBE Summary* form. For an informal-bid contract, submit the form with your bid. For a non-informal-bid contract, you may submit the form with your bid; if you do not and you are the low bidder or the 2nd or 3rd low bidder, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 4th business day after bid opening. If a DVBE joint venture is used, submit the joint venture agreement with the *Certified DVBE Summary* form. Other bidders may be required to submit this form if bid ranking changes.

**2-1.15C(3) Incentive Evaluation**

The Department applies the small business and non-small business preference during bid verification and proceeds with the evaluation specified below for DVBE incentive.



**SECTION 2****BIDDING**

The DVBE incentive is a reduction, for bid comparison only, in the total bid submitted by the lesser of the following amounts:

1. Percentage of DVBE achievement rounded to 2 decimal places of the verified total bid of the low bidder
2. 5 percent of the verified total bid of the low bidder
3. \$250,000

The Department applies DVBE incentive and determines whether bid ranking changes.

A non-small business bidder cannot displace a small business bidder. However, a small business bidder with higher DVBE achievement can displace another small business bidder.

The Department proceeds with awarding the contract to the new low bidder and posts the new verified bid results at the Department's Web site.

**2-1.16-2-1.17 RESERVED****2-1.18 SMALL BUSINESS AND NON-SMALL BUSINESS SUBCONTRACTOR PREFERENCES****2-1.18A General**

Section 2-1.18 applies to a non-federal-aid contract.

The Department applies small business preferences and non-small business preferences under Govt Code § 14835 et seq. and 2 CA Code of Regs § 1896 et seq.

Any contractor, subcontractors, supplier, or service provider who qualifies as a small business is encouraged to apply for certification as a small business by submitting its application to the Department of General Services, Office of Small Business and DVBE Services.

contract award is based on the total bid, not the reduced bid.

**2-1.18B Small Business Preference**

The Department allows a bidder certified as a small business by the Department of General Services, Office of Small Business and DVBE Services, a preference if:

1. Bidder submitted a completed *Request for Small Business Preference or Non-Small Business Preference* form with its bid
2. Low bidder did not request the preference or is not certified as a small business

The bidder's signature on the *Request for Small Business Preference or Non-Small Business Preference* form certifies that the bidder is certified as a small business at the time and day of bid or has submitted a complete application to the Department of General Services. The complete application and any required substantiating documentation must be received by the Department of General Services by 5:00 p.m. on the bid opening date.

The Department of General Services determines whether a bidder was certified on the bid opening date. The Department of Transportation confirms the bidder's status as a small business before applying the small business preference.

The small business preference is a reduction for bid comparison in the total bid submitted by the small business contractor by the lesser of the following amounts:

1. 5 percent of the verified total bid of the low bidder
2. \$50,000

If the Department determines that a certified small business bidder is the low bidder after the application of the small business preference, the Department does not consider a request for non-small business preference.

**2-1.18C Non-Small Business Subcontractor Preference**

The Department allows a bidder not certified as a small business by the Department of General Services, Office of Small Business and DVBE Services, a preference if:

**SECTION 2****BIDDING**

1. Bidder submitted a completed *Request for Small Business Preference or Non-Small Business Preference* form with its bid.
2. *Certified Small Business Listing for the Non-Small Business Preference* form shows that you are subcontracting at least 25 percent to certified small businesses. You may submit this information with your bid. If you do not, submit it such that it is received at the Office Engineer no later than 4:00 p.m. on the 2nd business day after bid opening.

Each listed subcontractor and supplier must be certified as a small business at the time and day of bid or must have submitted a complete application to the Department of General Services. The complete application and any required substantiating documentation must be received by the Department of General Services by 5:00 p.m. on the bid opening date.

The non-small business subcontractor preference is a reduction for bid comparison in the total bid submitted by the non-small business contractor requesting the preference by the lesser of the following amounts:

1. 5 percent of the verified total bid of the low bidder
2. \$50,000

**2-1.19-2-1.23 RESERVED****2-1.24 TIED BID RESOLUTION**

If a small business bidder and a non-small business bidder request preferences and the reductions result in a tied bid, the Department awards the contract to the small business bidder.

If a DVBE small business bidder and a non-DVBE small business bidder request preferences and the reduction results in a tied bid, the Department awards the contract to the DVBE small business bidder.

After bid verification, the Department breaks a tie between 2 or more bidders with a coin toss.

**2-1.25-2-1.26 RESERVED****2-1.27 CALIFORNIA COMPANIES**

Section 2-1.27 applies to a non-federal-aid contract.

Under Pub Cont Code § 6107, the Department gives preference to a "California company," as defined, for bid comparison purposes over a nonresident contractor from any state that gives or requires a preference to be given to contractors from that state on its public entity construction contracts.

Complete a *California Company Preference* form.

The California company reciprocal preference amount is equal to the preference amount applied by the state of the nonresident contractor with the lowest responsive bid unless the California company is eligible for a small business preference or a non-small business subcontractor preference, in which case the preference amount is the greater of the two, but not both.

If the low bidder is not a California company and a California company's bid with reciprocal preference is equal to or less than the lowest bid, the Department awards the contract to the California company on the basis of its total bid.

**2-1.28-2-1.29 RESERVED****2-1.30 JOB SITE AND DOCUMENT EXAMINATION**

Examine the job site and bid documents.

Bid submission is your acknowledgment that you have examined the job site and bid documents and are satisfied with:

1. General and local conditions to be encountered
2. Character, quality, and scope of work to be performed
3. Quantities of materials to be furnished
4. Character, quality, and quantity of surface and subsurface materials or obstacles
5. Requirements of the contract

**SECTION 2****BIDDING****2-1.31-2-1.32 RESERVED****2-1.33 BID DOCUMENT COMPLETION****2-1.33A General**

Complete forms in the *Bid* book. Submit the forms with your bid.

On the *Subcontractor List* you may either submit the percentage of each bid item subcontracted with your bid or fax the percentage to (916) 227-6282 within 24 hours after bid opening.

Except for the percentage of each bid item subcontracted, do not fax submittals.

**2-1.33B Bid Item List and Bid Comparison**

Submit a bid based on the bid item quantities the Department shows on the Bid Item List.

For a lump sum based bid, the Department compares bids based on the total price.

For a unit price based bid, the Department compares bids based on the sum of the item totals.

For a cost plus time based bid, the Department compares bids based on the sum of the item totals and the total bid for time.

**2-1.33C Subcontractor List**

On the *Subcontractor List*, list each subcontractor to perform work in an amount in excess of 1/2 of 1 percent of the total bid or \$10,000, whichever is greater (Pub Cont Code § 4100 et seq.).

The *Subcontractor List* must show the name, address, and work portions to be performed by each subcontractor listed. Show work portions by bid item number, description, and percentage of each bid item subcontracted.

**2-1.33D Opt Out of Payment Adjustments for Price Index Fluctuations**

You may opt out of the payment adjustments for price index fluctuations specified in section 9-1.07. To opt out, submit a completed *Opt Out of Payment Adjustments for Price Index Fluctuations* form with your bid.

**2-1.33E Reserved****2-1.34 BIDDER'S SECURITY**

Submit your bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

1. Cash
2. Cashier's check
3. Certified check
4. Bidder's bond signed by a surety insurer who is licensed in California

If using a bidder's bond, you may use the form in the *Bid* book. If you do not use the form in the *Bid* book, use a form containing the same information.

**2-1.35 SSPC QP CERTIFICATION PREAWARD QUALIFICATION**

Submit the SSPC QP certification required under section 59-2.01D(1) with your bid. Failure to submit the certification results in a nonresponsive bid.

**2-1.36 RESERVED****2-1.37 BID SUBMITTAL**

Submit your bid:

1. Under sealed cover
2. Marked as a bid
3. Identifying the contract number and the bid opening date

If an agent other than the authorized corporation officer or a partnership member signs the bid, file a Power of Attorney with the Department either before opening bids or with the bid. Otherwise, the bid may be nonresponsive.



**SECTION 2****BIDDING****2-1.38–2-1.39 RESERVED****2-1.40 BID WITHDRAWAL**

An authorized agent may withdraw a bid before the bid opening date and time by submitting a written bid withdrawal request at the location where the bid was submitted. Withdrawing a bid does not prevent you from submitting a new bid.

After the bid opening time, you cannot withdraw a bid.

**2-1.41–2-1.42 RESERVED****2-1.43 BID OPENING**

The Department publicly opens and reads bids at the time and place shown on the *Notice to Bidders*.

**2-1.44–2-1.45 RESERVED****2-1.46 BID REJECTION**

The Department may reject:

1. All bids
2. A nonresponsive bid

**2-1.47 BID RELIEF**

The Department may grant bid relief under Pub Cont Code § 5100 et seq. Submit any request for bid relief to the Office Engineer. The *Relief of Bid Request* form is available at the Department's Web site.

**2-1.48 RESERVED****2-1.49 SUBMITTAL FAILURE HISTORY**

The Department considers a bidder's past failure to submit documents required after bid opening in determining a bidder's responsibility.

**2-1.50 BID RIGGING**

Section 2-1.50 applies to a federal-aid contract.

The U.S. Department of Transportation (DOT) provides a toll-free hotline to report bid rigging activities. Use the hotline to report bid rigging, bidder collusion, and other fraudulent activities. The hotline number is (800) 424-9071. The service is available 24 hours 7 days a week and is confidential and anonymous.. The hotline is part of the DOT's effort to identify and investigate highway construction contract fraud and abuse and is operated under the direction of the DOT Inspector General.



### 3 CONTRACT AWARD AND EXECUTION

#### 3-1.01 GENERAL

Section 3 includes specifications related to contract award and execution.

#### 3-1.02–3-1.03 RESERVED

#### 3-1.04 CONTRACT AWARD

Submit any bid protest to the Office Engineer.

If the Department awards the contract, the award is made to the lowest responsible bidder within the number of days shown in the following table:

Contract Award Period	
Days after bid opening	Project estimated cost shown on the <i>Notice to Bidders</i>
30	< \$200 million
60	≥ \$200 million

The Department may extend the specified award period if the bidder agrees.

#### 3-1.05 CONTRACT BONDS (PUB CONT CODE §§ 10221 AND 10222)

The successful bidder must furnish 2 bonds:

1. Payment bond to secure the claim payments of laborers, workers, mechanics, or materialmen providing goods, labor, or services under the Contract. This bond must be equal to at least 100 percent of the total bid.
2. Performance bond to guarantee the faithful performance of the Contract. This bond must be equal to at least 50 percent of the total bid.

The Department furnishes the successful bidder with bond forms.

#### 3-1.06 CONTRACTOR LICENSE

For a federal-aid contract, the Contractor must be properly licensed as a contractor from contract award through Contract acceptance (Pub Cont Code § 10164).

For a non-federal-aid contract:

1. The Contractor must be properly licensed as a contractor from bid opening through Contract acceptance (Bus & Prof Code § 7028.15)
2. Joint venture bidders must obtain a joint venture license before contract award (Bus & Prof Code § 7029.1)

#### 3-1.07 INSURANCE POLICIES

The successful bidder must submit:

1. Copy of its commercial general liability policy and its excess policy or binder until such time as a policy is available, including the declarations page, applicable endorsements, riders, and other modifications in effect at the time of contract execution. Standard ISO form no. CG 0001 or similar exclusions are allowed if not inconsistent with section 7-1.06. Allowance of additional exclusions is at the discretion of the Department.
2. Certificate of insurance showing all other required coverages. Certificates of insurance, as evidence of required insurance for the auto liability and any other required policy, shall set forth deductible amounts applicable to each policy and all exclusions that are added by endorsement to each policy. The evidence of insurance shall provide that no cancellation, lapse, or reduction of coverage will occur without 10 days prior written notice to the Department.
3. A declaration under the penalty of perjury by a CPA certifying the accountant has applied GAAP guidelines confirming the successful bidder has sufficient funds and resources to cover any self-insured retentions if the self-insured retention is over \$50,000.

If the successful bidder uses any form of self-insurance for workers compensation in lieu of an insurance policy, it shall submit a certificate of consent to self-insure under Labor Code § 3700.

**SECTION 3****CONTRACT AWARD AND EXECUTION****3-1.08 SMALL BUSINESS PARTICIPATION REPORT**

The Department has established an overall 25 percent small business participation goal. The Department is tracking small business participation on all contracts to determine whether the goal is achieved.

Complete and sign the *Small Business (SB) Participation Report* form included in the contract documents whether or not no small business participation is reported.

**3-1.09–3-1.10 RESERVED****3-1.11 PAYEE DATA RECORD**

Complete and sign the *Payee Data Record* form included in the contract documents.

**3-1.12 CALTRANS BIDDER - DBE INFORMATION FORM**

Section 3-1.12 applies to a federal-aid contract.

Complete and sign the *Caltrans Bidder - DBE Information* form included in the contract documents regardless of whether no DBE participation is reported.

Provide written confirmation from each DBE that the DBE is participating in the Contract. A copy of a DBE's quote serves as written confirmation. If a DBE is participating as a joint venture partner, the Department encourages you to submit a copy of the joint venture agreement.

**3-1.13–3-1.17 RESERVED****3-1.18 CONTRACT EXECUTION**

The successful bidder must sign the *Contract* form.

Deliver to the Office Engineer:

1. Signed *Contract* form
2. Contract bonds
3. Documents identified in section 3-1.07
4. *Payee Data Record*
5. *Small Business (SB) Participation Report* form
6. For a federal-aid contract, *Caltrans Bidder - DBE Information* form

For an informal-bid contract, the Office Engineer must receive these documents before the 5th business day after the bidder receives the contract.

For all other contracts, the Office Engineer must receive these documents before the 10th business day after the bidder receives the contract.

The bidder's security may be forfeited for failure to execute the contract within the time specified (Pub Cont Code §§ 10181, 10182, and 10183).

The following is a copy of the *Contract* form:

## SECTION 3

## CONTRACT AWARD AND EXECUTION

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CONTRACT**  
 DES-OE-0103A (REV 03/2010)



STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 CONTRACT NO. \_\_\_\_\_

This contract is entered into between the State of California's Department of Transportation and the Contractor named below:

## CONTRACTOR'S NAME

The parties agree to comply with the terms of the following exhibits that are by this reference made a part of this contract.

Exhibit A - Bid book dated \_\_\_\_\_

Exhibit B - Notice to Bidders and Special Provisions dated \_\_\_\_\_

Exhibit C - Project plans approved \_\_\_\_\_

Exhibit D - Standard Specifications dated \_\_\_\_\_

Exhibit E - Standard Plans dated \_\_\_\_\_

Exhibit F - Addenda \_\_\_\_\_

Exhibits A, B, C, and F are those exhibits identified with the same contract number as this contract.

This contract has been executed by the following parties:

## CONTRACTOR

CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)

BY (Authorized Signature) \_\_\_\_\_

DATE SIGNED (Do not type) \_\_\_\_\_

PRINTED NAME AND TITLE OF PERSON SIGNING \_\_\_\_\_

FEDERAL EMPLOYER IDENTIFICATION NUMBER \_\_\_\_\_

LICENSE NUMBER \_\_\_\_\_

## DEPARTMENT OF TRANSPORTATION

BY (Authorized Signature) \_\_\_\_\_

DATE SIGNED (Do not type) \_\_\_\_\_

PRINTED NAME AND TITLE OF PERSON SIGNING \_\_\_\_\_

This contract has been certified as complying with the State Contract Act:

BY (Authorized Signature) \_\_\_\_\_

DATE SIGNED (Do not type) \_\_\_\_\_

PRINTED NAME AND TITLE OF PERSON SIGNING \_\_\_\_\_

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

## 3-1.19 BIDDERS' SECURITIES

The Department keeps the securities of the 1st, 2nd, and 3rd low bidders until the contract has been executed. The other bidders' securities, other than bidders' bonds, are returned upon determination of the 1st, 2nd, and 3rd low bidders, and their bidders' bonds are of no further effect (Pub Cont Code § 10184).



## **Electronic Bidding Guide**

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**7/25/2016**



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## Establishing a Digital ID

To begin the electronic bidding process you will first need to receive a Bidder Identification Number (Bidder ID) from the California Department of Transportation (Caltrans). After you have received your Bidder ID number, you can then establish a Digital ID, and a Bid Express Internet Bidding (Bidx) account. **The process of establishing a Digital ID can take 7 days or longer. You will not be able to submit a bid until this process has been completed.**

To receive your Bidder ID, submit a letter requesting a Bidder ID to Office Engineer. The letter requesting a Bidder ID number must be on company letterhead, showing the full legal name, phone number, fax number and address of the bidding company, along with an email address to which the Bidder ID number will be sent. The letter can be faxed to Office Engineer at (916)227-6282, or mailed to:

MS43  
Office Engineer  
Department of Transportation  
1727 30th Street  
Sacramento CA, 95816-7005

If the bidding company has not recently been awarded a contract by the Caltrans, the bidding company may also need to complete, and submit a Payee Data Record form (STD 204) in order to establish their Bidder ID. The Payee Data Record form will be sent to you if it is needed in order to complete your request

### Payee Data Record Example Form:

STATE OF CALIFORNIA  
PAYEE DATA RECORD  
(Required when receiving payments from the State of California as per the STD 204)

**1. INSTRUCTIONS:** This form is to be filled out by the payee (bidding company) and submitted to the State agency (Caltrans) for review and approval. The form is to be filled out by the payee (bidding company) and submitted to the State agency (Caltrans) for review and approval. The form is to be filled out by the payee (bidding company) and submitted to the State agency (Caltrans) for review and approval.

**2. PAYEE INFORMATION:** Enter the name of the payee (bidding company) in the space provided. Also enter the address of the payee (bidding company) in the space provided.

**3. PAYEE TYPE:** Enter the type of payee (bidding company) in the space provided. The type of payee (bidding company) can be one of the following: Partnership, Corporation, Estate or Trust, Individual or Sole Proprietor, or Other. If the payee (bidding company) is a partnership, corporation, estate or trust, or other, then the payee (bidding company) must also enter the name of the person or entity that is responsible for the payee (bidding company) in the space provided.

**4. PAYEE STATUS:** Enter the status of the payee (bidding company) in the space provided. The status of the payee (bidding company) can be one of the following: Active, Inactive, or Suspended. If the payee (bidding company) is active, then the payee (bidding company) must also enter the date of the last payment received from the State of California in the space provided.

**5. PAYEE CERTIFICATION:** I hereby certify under penalty of perjury that the information provided on this document is true and correct. Should my residency status change, I will promptly notify the State agency within 30 days.

**6. PAYEE SIGNATURE:** Enter the name of the person or entity that is responsible for the payee (bidding company) in the space provided. Also enter the date of the signature in the space provided.

**7. PAYEE CONTACT INFORMATION:** Enter the contact information for the payee (bidding company) in the space provided. This includes the phone number, fax number, and email address of the payee (bidding company).

To establish a Bidx account, using Internet Explorer, navigate to <https://bidx.com> and select the "Join now!" text to begin to establish your account

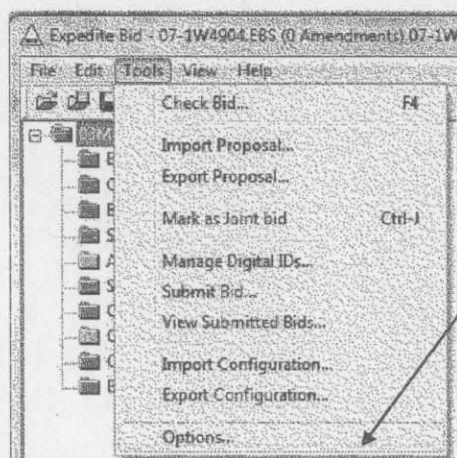
Follow the instructions on the Bidx website to complete the account establishment process. Once you have received your Bidder ID, downloaded and installed the Expedite Bid 5.11a (Bid) software, you may begin the process to establish your Digital ID through the Bidx website. **A separate Digital ID should be established for each person authorized to submit bids for your company. Only one Bidder ID is required for each company, and can have multiple Digital ID's associated with it. Back up your Digital ID file, and record your password in a secure location. The file and password cannot be recovered if either of them are lost. Joint ventures are required to obtain a Digital ID unique to that joint venture.**

To establish a Digital ID, there are monthly account fees, and a onetime fee paid to Bidx. You may choose to cancel your account at any time however, once your account has been cancelled, in order to bid again you will need to establish and pay for a new Digital ID, and pay the monthly fees.

## Software

You will need to download the Bid software from Bidx in order to submit your bid through Bidx to Caltrans. This can be found at <https://bidx.com/ca/main>. You will also need to have the Microsoft .NET 4.0 Framework installed on your computer. This can be found at <http://www.microsoft.com/download/en/details.aspx?id=17851>. For questions and help please call the Bidx help desk at 1-888-352-2439.

Once the Bid software has been installed, you will need to enter your company data into the software, this data is transmitted with your bid. Select "Tools" then "Options..."



When the Bid options screen opens you will see the screen shown below. Enter your company name, address, city, state, phone number, zip code, fax number, and email address. Select "Apply" then select "OK."

## Glossary

There are many terms that Bidx uses that are different from the terms traditionally used by Caltrans. The following glossary gives the Department's version of a word used by Bidx, if these differ.

Bidx term	Caltrans term
Letting	Bid opening
Proposal	Bid Book
Amendment/Amendments	Addendum/Addenda
Schedule of Items	Bid Item List
Proposal Sites	Where time portion of a Cost + Time bid is entered
Contract ID	Contract Number



## Downloading an electronic bid book

Advertised projects page can be found on the Caltrans Office Engineer website at: [http://www.dot.ca.gov/hq/esc/oe/weekly\\_ads/all\\_adv\\_projects.php](http://www.dot.ca.gov/hq/esc/oe/weekly_ads/all_adv_projects.php). All projects advertised on this website are electronic bidding projects, these bids may only be submitted electronically to Caltrans, paper bids will not be accepted. Select the "Bid Book" link to begin the electronic bid book download process.

62-0H3604 | List of Bid Items | Project Plans, Notice to Bidder and Special Provisions | Bid Book | 0 bidder inquiries  
 Bridge Maintenance  
 02-Teh-5, 32-VAR \* Date Advertised 11/09/2015  
 Bids Opening in Sacramento \* Bids Open 12/08/2015  
 Estimate: \$370,000  
 In Tehama County At Various Locations  
 The Contractor must have either a Class A license or one of the following Class C licenses: C-8.  
 70 Working Days \* 5% DVBE Requirement \* Cost per set: Bidders: \$E-ad, Non-bidders: \$E-ad  
 Subs/Suppliers: Opt in | 0 prime contractors looking for help | Primes: Advertise for help | See 1 opt-in record  
 See Non-Bidding Planholders | See Bidding Planholders

When you select the "Bid Book" link on the project advertisement page, if you have established a Caltrans Connect account, your information will be logged in the Bidding Planholders database, and you will be given a link to click on to download your Electronic Bid Book. If you have not created a Caltrans Connect account, you will be given a link to establish your Caltrans Connect account. Once you have downloaded the electronic bid file, the file name will begin with the contract number, and end with ".EBS." **Do not change the name of the file.**

Electronic bid book addenda files can be found by following the addenda link on the project advertisement page, shown below.

01-262024 | List of Bid Items | Contract Plans and Special Provisions | Order Bid Book | 7 bidder inquiries | **See addenda (1)**  
 This project has a mandatory pre-bid meeting  
 Mitigation Planting, Erosion Control, Earthwork And Install Fence  
 01-Men-101-45.0/50.8 \* Date Advertised 07/15/2013  
 Bids Opening in Sacramento \* Bids Open 09/10/2013  
 Estimate: \$12,700,000  
 In Mendocino County In And Near Willits At Various Locations  
 The Contractor must have either a Class A license or one of the following Class C licenses: C-27.  
 2000 Working Days \* 6% DBE Requirement \* Cost per set: Bidders: \$E-ad, Non-bidders: \$E-ad  
 Subs/Suppliers: Opt in | 7 prime contractors looking for help | Primes: Advertise for help | See 25 opt-in records  
 See Non-Bidding Planholders | See Bidding Planholders

01-450904 | List of Bid Items | Contract Plans and Special Provisions | Order Bid Book | 0 bidder inquiries  
 Widen Rdwy With Hma Over Ab, Const Soldier Pile And Soil Nail Walls.  
 01-Hum-169-13.6/23.4 \* Date Advertised 08/12/2013  
 Bids Opening in Sacramento \* Bids Open 09/17/2013  
 Estimate: \$3,900,000  
 In Humboldt County At Various Locations From 0.8 Mile West Of Pecwan Creek Bridge To 1.0 Mile East Of Cappel Creek Bridge  
 The Contractor must have either a Class A license or any combination of the following Class C licenses which constitutes a majority of the work: C-8, C-12.  
 310 Working Days \* 9% DBE Requirement \* Cost per set: Bidders: \$E-ad, Non-bidders: \$E-ad  
 Subs/Suppliers: Opt in | 1 prime contractor looking for help | Primes: Advertise for help | See 5 opt-in records  
 See Non-Bidding Planholders | See Bidding Planholders

Second project does not have addenda.

Electronic bid book addenda files begin with the contract number, and end with the number of the addenda (Ex. 15-123456.001) Directions for incorporating addenda are at the end of this guide.

## Items to be submitted with bid

Items that are required to be submitted with the bid, such as bid security, must be received by Office Engineer prior to the specified bid opening date and time. If these items are not received as specified, your bid may be deemed nonresponsive. Office Engineer's address is:

MS43  
Office Engineer  
Department of Transportation  
1727 30th Street  
Sacramento CA, 95816-7005

## Bidder's security

Bid security must be received by Office Engineer prior to the specified bid opening date and time. Either submit an electronic bid bond with your bid, or submit a paper bid bond to Office Engineer prior to the specified bid opening date and time. Bidder's Security information can be found in the Special Provisions, Revised Standard Specifications and Standard Specifications section 2-1.34. Paper bid bond forms are included in the electronic bid file, as the last 2 pages of the print out of the electronic bid form. Bid Bond forms may also be downloaded from the Caltrans Office Engineer Electronic Bidding website at: [http://www.dot.ca.gov/hq/esc/oc/electronic\\_bidding/electronic\\_bidding.html](http://www.dot.ca.gov/hq/esc/oc/electronic_bidding/electronic_bidding.html). Failure to submit bid security as specified may cause your bid to be deemed nonresponsive.

Electronic bid bonds may be submitted with your bid. Electronic bid bonds need to be verified through either Surety 2000 or SurePath. Electronic Bid Bond information is entered in the Bid Bond Data folder. Once bid bond data has been entered, select "Verify" to verify your electronic bid bond. For information regarding Surety2000, please visit <http://surety2000.com>. For information regarding SurePath, please visit <http://insurevision.com>

The screenshot shows the 'Expedite Bid' software window. The left pane displays a tree view of folders, with 'Bid Bond Data' selected. The right pane shows the 'BOND RECORD IS INCOMPLETE' message and the 'FORM 524 - Rev. 8/1/00' 'BID BOND' form. The form includes fields for 'Bond ID', 'Surety Agency', 'Bond Pct', 'Max Bond Amt', and 'Surety State'. A 'Verify' button is visible next to the 'Bond ID' field. A black arrow points from the text in the preceding paragraph to the 'Verify' button.

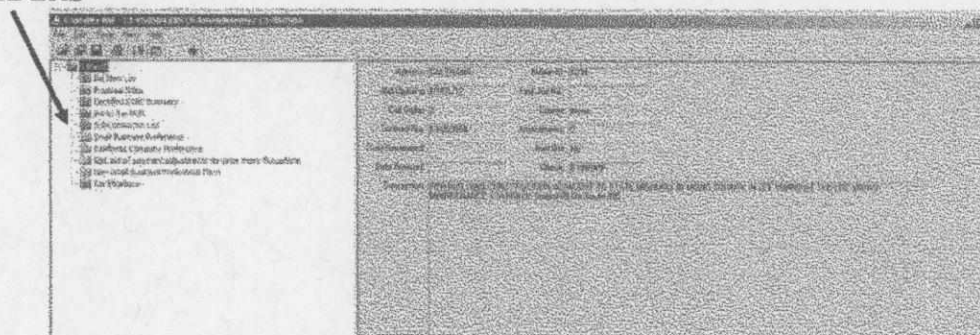
## Completing the Bid Book

### Expedite Bid (Bid) main folder

The main screen of Bid will open when you open your electronic bid file, downloaded from the Caltrans website. The left side of the screen shows the different forms that are required to be completed. These forms are shown as folders, red indicates an incomplete folder, and green indicates a folder that does not require any further action. Green folders may contain forms that are required to be completed and submitted after the specified bid opening date and time. These forms may be submitted with your bid or may be completed, printed, and then submitted as specified in the bid documents. **Remember to save your work as you complete the Bid Book.**

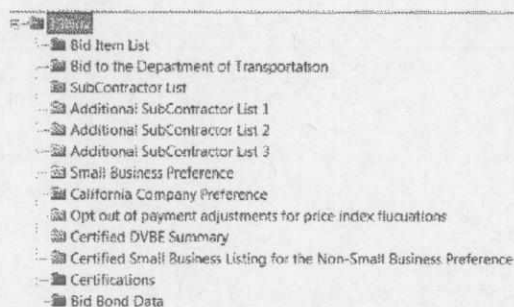
The right side of the screen shows basic project information, including bid opening date, contract number, project description, county, and Federal aid number. If the Federal aid number is blank, the project does not have Federal aid.

### FOLDERS

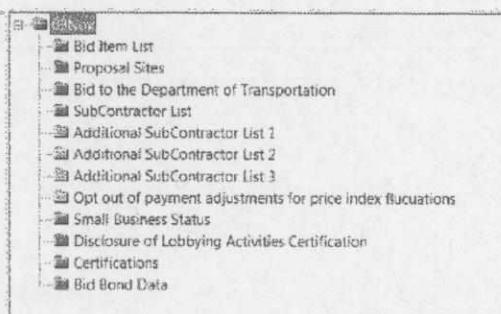


### FOLDER DETAIL

#### No Federal Aid



#### With Federal Aid

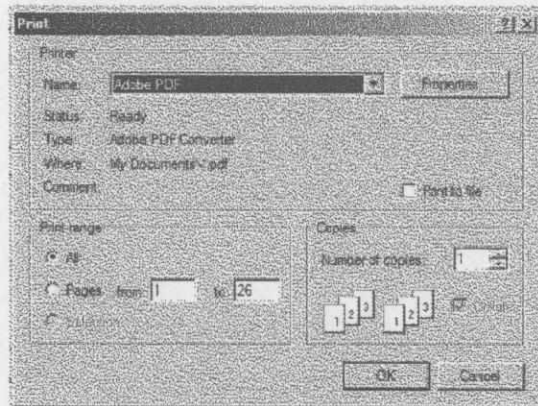




## Printing your bid

To print your bid at any time while in Bid, select "File" from the upper left portion of Bid, then select "Print." In order to print individual pages, select "Adobe PDF" from the printer list when printing bid. If Adobe Acrobat is not installed on your computer, there are free PDF converters available that will perform the same function. Individual pages from your bid can be printed from the PDF version of your bid. Forms that are not required to be submitted with your bid can be printed and submitted under Section 2-I.33.

Some forms will not be printed unless they are completed before printing form. These forms include DVBE, and Small Business forms.



## Bid Item List folder

Enter unit prices for each item shown in the Bid Item List folder. The Bid software will automatically perform the calculations for the item extension, as well as the total of the bid. The total of your bid is shown at the bottom row of Bid. As data is entered into each field, pressing the "Tab" key, or "Enter" will move the cursor to the next field.

Line	Item	Quantity	Unit	Unit Price	Extension
Section BID ITEM LIST					2,050,909.00
PROPOSAL TO THE DEPARTMENT OF TRANSPORTATION					
1	070030 LEAD COMPLIANCE PLAN	LUMP	LS	1,500.00	1,500.00
2	120090 CONSTRUCTION AREA SIGNS	LUMP	LS	15.00	15.00
3	120100 TRAFFIC CONTROL SYSTEM	LUMP	LS	123.00	123.00
4	130100 JOB SITE MANAGEMENT	LUMP	LS	2.00	2.00
5	130200 PREPARE WATER POLLUTION CONTROL PROGRAM	LUMP	LS	123.00	123.00
6	153103 COLD PLANE ASPHALT CONCRETE PAVEMENT	130,000.0	SQYD	1.25	162,500.00
7	374207 CRACK TREATMENT	14.0	LNMI	123.00	1,722.00
8	390095	130.0	CY	123.00	15,990.00
Bid Total:					2,050,909.00



## Proposal Sites folder

The Proposal Sites folder will only be shown on Cost + Time bids. In the box labeled "# Days", enter the number of working days bid. **Days bid must be within the range given, or your bid may be deemed nonresponsive.**

Type	Cost/Day	# Days	Total
WORKING DAYS BID (Do not bid less than 450 days and not more than 650 Days)	8,300.00	WORKING DAYS BID (Do not bid less than 450 days and not more than 650 Days)	

## Bid to the Department of Transportation folder

Enter your contractor license number in the space provided. This is required for projects without Federal Aid, and optional for projects with Federal Aid. Select the type of bid security submitted with your bid.

For a cost plus time based bid on a contract with a plant establishment period, Bidder additionally agrees to perform the non-plant establishment work within the number of working days bid for non-plant establishment work.

2. Bidder submits this bid with one of the following forms of bidder's security equal to at least 10 percent of the bid:

3. Bidder's signature is an affidavit that making a false certificate of the following:

3.1 Criminal prosecution

3.2 Rejection of the bid

3.3 Rescission of the award

3.4 Termination of the Contract

Bidder's Bond  
Cash  
Cashier's Check  
Certified Check  
Electronic Bidder's Bond

Penalties: Bidder is cautioned of the following:

## Subcontractor List folder, and Additional Subcontractor List

Enter firm name, city, state, California contractor license number, public works contractor registration number, description of work, bid item numbers, and percentage of each bid item numbers for each of your subcontractors performing work in excess of 1/2 of 1 percent of the total bid, or \$10,000, whichever is greater. (CA PCC 4104)

The first pull down for "List this subcontractor?" is required to be selected. If you select "No", no information regarding that specific subcontractor will be reported. If you select "Yes" then you must enter the information for that subcontractor.

For each additional subcontractor you would like to list, select "Yes" from the "List this subcontractor?" pull down menu. Once the "Yes" has been selected you must enter that subcontractor's information. The first line of the Bid Item, Percentage and Description must be completed for that subcontractor. If you enter information for a subcontractor and then decide to not list that subcontractor, you can select "No" from the specific subcontractor's "List this subcontractor?" pull down menu, to not list that subcontractor. This is equivalent to crossing out a subcontractor's name from the paper bid book's Subcontractor List.

"List this subcontractor" pull down

List this subcontractor:  \*REQUIRED

1) Business Name:

Location City:  State:

California Contractor License Number:

Public Works Contractor Registration Number:

Portion of Work Subcontracted:

Item	Description
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

First line must be completed if "Yes" is selected from pull down.

Enter single bid item numbers and percentage of bid item performed by subcontractor on each line of the Subcontractor List. **Do not enter words in the Bid Item Number field.**

If the percentage of the bid item work is less than 100% list the description of the portion of work to be subcontracted. **Do not use semicolons in the description of work**

### Request for Small Business Preference or Non-Small business Preference folder (No Federal funds)

To request either Small Business Preference or Non-Small Business preference select "Requests" in the pull down menu in either the Small Business Preference or Non-Small Business Preference section.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
REQUEST FOR SMALL BUSINESS PREFERENCE OR NON-SMALL BUSINESS PREFERENCE  
SECTION - (FOR LIST 2, 2016)

REQUEST ONE OF THE FOLLOWING:

☒ Small Business Preference

The undersigned  small business preference and certifies, under penalty of perjury, that the firm meets the requirements of 2 C.C. Code of Regs. § 1394 et seq. and is certified as a small business at the time and day of bid opening or has submitted a complete application to the Department of General Services (DGS) and is subsequently certified. The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date.

Example: 0000000000

Small Business Certification (Reference) Number:

Date:  Signature:

☐ Non-Small Business Preference

The undersigned  non-small business preference and certifies the Department of the  Business Listing for the Non-Small Business Preference form that it certifies to subcontract at least 25 percent of its bid amount with one or more firms that meet the requirements of 2 C.C. Code of Regs. § 1394 et seq. and the firm is certified as small business at the time and day of bid opening or have submitted a complete application and are subsequently certified by the Department of General Services (DGS). The complete application and any required substantiating documentation must be received by DGS by 5:00 p.m. on bid opening date. List these firms on the Certified Small Business Listing for the Non-Small Business Preference form.

Example: 0000000000

Date:  Signature:

To complete the "**\*Small Business Preference**" enter the date and your Small Business certification number to request the Small Business Preference.

To complete the "**\*Non-Small Business Preference**" the section select "requests", and enter the date. By requesting the Non-Small Business Preference you are committing to subcontract at least 25% of your total bid to Small Business, and must also submit the Certified Small Business Listing for the Non-Small Business Preference form under Section 2-1.33.

## California Company Preference folder (No Federal funds)

If your company has its principal place of business in California, select "am" from the first pull down menu. If your company does not have its principal place of business in California, select "am not" from the first pull down menu and continue to number 2.

If your company has its principal place of business outside of California, in a state where there is no local contractor preference, select "am" from the pull down menu next to 2, and select the Name of State where your principal place of business is located. If your company has its principal place of business outside of California, in a state where there is a local contractor preference, select "am not" from the pull down menu next to 2 and continue to 3.

If your company has its principal place of business outside of California, in a state where there is a local contractor preference, and your company has paid no less than \$5,000 in sales or use taxes to California for construction related activity for each of the 5 years immediately preceding the submission of the bid, select "am" from the pull down menu next to number 3, select name of your state, and enter your California Sales or Use Tax number. If your company has its principal place of business outside of California, in a state where there is a local contractor preference, and your company has not paid \$5,000 or more in sales or use taxes to California for construction related activity for each of the 5 years immediately preceding the submission of the bid, select "am not" from the pull down menu next to number 3 and select "am not" from the pull down menu next to number 4.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION REVENUE CERTIFICATION  
SECTION 2-1.33

THIS FORM MUST BE COMPLETED BY ALL LICENSEE HOLDERS OF A PROFESSIONAL CONTRACTOR TO BIDDING FOR THE STATE OF CALIFORNIA. IT IS THE RESPONSIBILITY OF THE BIDDING CONTRACTOR TO COMPLETE AND SIGN THIS FORM UNDER PENALTY OF PERJURY.

THE UNDERSIGNED CERTIFIES THAT HE OR SHE IS THE LICENSEE COMPANY OR OFFICER OF THE COMPANY AS SET FORTH AND REQUESTS THE FOLLOWING PREFERENCE:

1. ☐ **am** a California company which has its principal place of business in California.

OR

2. ☐ **am** a California company which has its principal place of business in a state in which there is no local contractor preference for construction contracts.

Name of State:

OR

3. ☐ **am** a California company which has its principal place of business in a state in which there is a local contractor preference and has paid no less than \$5,000 in sales or use taxes to California for construction related activity for each of the 5 years immediately preceding the submission of the bid.

Name of State:

California Sales or Use Tax No.:

OR

4. ☐ **am not** a California company.

OR

5. ☐ **am not** a California company which has its principal place of business in a state in which there is a local contractor preference and has not paid \$5,000 or more in sales or use taxes to California for construction related activity for each of the 5 years immediately preceding the submission of the bid.

Name of State:

California Sales or Use Tax No.:

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE:

DATE:



**Opt Out of Payment Adjustments for Price Index Fluctuations folder**

To opt out of the payment adjustments for price index fluctuations as specified in Payment Adjustments for Price Index Fluctuations of the special provisions, enter the date and your name.

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
OPT OUT OF PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS  
DES-02-0102.12A (REV 8/2012)

---

To opt out of payment adjustments for price index fluctuations as specified, complete this form.

I opt out of the payment adjustments for price index fluctuations.

Enter Date and Name to opt out of payment adjustments for price index fluctuations.

Date:  Bidder's Name:

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Small Business status folder (Federal funds)**

If you are certified as a "Small business" by the Office of Small Business and DVBE Services of the Department of General Services of the State of California, select "yes" from the pull down menu and enter your certification number. If you are not certified as a "Small business" by the Office of Small Business and DVBE Services of the Department of General Services of the State of California, select "no" from the pull down menu

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION  
SMALL BUSINESS STATUS  
DES-02-0102.4 (REV 3/2008)

---

Are you certified as a "Small Business" by the Office of Small Business and DVBE Services of the Department of General Services of the State of California?

YES/NO:  Certification number?:

Note: This small business questionnaire is included for statistical reporting only.





### Certified Small Business Listing for the Non-Small Business Preference folder (No Federal funds)

If the Non-Small Business Preference was requested, enter the name and phone number of the contact person and telephone number. Enter the total claimed participation in both dollars, and as a percentage of your total bid. Enter the bid item number(s), description of work, service, or materials firm name, phone number, Small Business certification number, and dollar amount of the work, service, or materials committed to Small Business. The form may be electronically submitted with your bid, or printed and submitted under Section 2-1.33.

Person to Contact		
Telephone Number		
Total Claimed Participation	\$	
	% of Contract	
1)		
Bid Item No. (s)		Example: 100, 200
Description of Work, Service, or Materials		
Firm Name		
Tax		
SB Certification		
Amount		Example: 559,999

### Certifications folder

By digitally signing and submitting a bid you are affirming the certifications contained in the bid book. In addition to the certifications in state funded projects, federally funded projects include the Federal Aid projects Disclosure of Lobbying Activities certification, Equal Employment Opportunity Regulation Certification, and Title 49, Code of Federal Regulations, Part 29, Debarment and Suspension Certification.

At the Equal Employment Opportunity Regulation Certification, enter the name of your company in the box next to "Bidder", and select whether you have or have not participated in a previous contract or subcontract subject to the equal opportunity clauses as required by Executive Orders 10925, 11114, or 11246.

EQUAL EMPLOYMENT OPPORTUNITY REGULATION CERTIFICATION	
Bidder	proposed subcontractor
Has	participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, if

At the Title 49, Code of Federal Regulations, Part 29, Debarment and Suspension Certification, indicate if there are any exceptions to the certifications in the first 3 boxes, and indicate to whom it applies, initiating agency, and dates of action in the next 3 boxes.

If there are any exceptions to this certification, insert the exceptions in the following space.


Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.


At the Noncollusion certification, enter state, county, your name, your company title and your company name.

UNDOCUMENTED ALIENS EMPLOYMENT

Under Pub Cont Code § 6101, the Bidder certifies compliance with state and Federal law respecting the employment of undocumented aliens.

---

NONCOLLUSION

"NONCOLLUSION AFFIDAVIT TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID"

Under PCC 7106 and 23 USC 112, the bidder declares as follows:

State of  County of

Name

being first duly sworn, deposes and says that he or she is

Company Title:

Company Name:



At the Violation of Law or a Safety Regulation certification, select "yes" or "no" in response to the question. If "yes" is selected, enter an explanation.

**VIOLATION OF LAW OR A SAFETY REGULATION**

Under Pub Cont Code § 10162, the Bidder must complete, under penalty of perjury, the following questionnaire:

Has the Bidder, any officer of the Bidder, or any employee of the Bidder who has a proprietary interest in the Bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation? ☒

If the answer is yes, explain the circumstances in the following space:

Explanation: \_\_\_\_\_

At the violation of Antitrust law certification, select "has" or "has not" in response to the question. If "has" is selected, enter an explanation.

**ANTITRUST LAW**

Under Pub Cont Code § 10163, the Bidder certifies, under penalty of perjury under the laws of the State of California that the Bidder ☒ has not been convicted of the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of any public works contract, as defined in Pub Cont Code § 1101, with any public entity, as defined in Pub Cont Code § 1102, including the Regents of the University of California or the Trustees of the California State University. The term "Bidder" includes any partner, member, officer, director, responsible managing officers, or responsible managing employee thereof, as defined in Section 10295.1.

If the Bidder has been convicted of an offense within the past 3 years, provide the conviction details including the date and ultimate resolution of each conviction in the space below:

Explanation: \_\_\_\_\_

At the Bidder Responsibility Questionnaire, select "yes" or "no" in response to the questions. If "yes" is selected for any of the questions, enter an explanation.

**BIDDER RESPONSIBILITY QUESTIONNAIRE**

Failure to truthfully answer the following questions will result in a finding that the bid is unresponsive. The Bidder must complete, under penalty of perjury, the following questionnaire:

1. Within the past 10 years, has the Bidder been found to be a nonresponsible bidder by any public entity, including federal, state, local, or regional entities? ☒

2. Within the past 10 years, have any of the Bidder's officers or employees with a proprietary interest in the Bidder been determined to be a nonresponsible bidder by a public entity, including federal, state, local or regional entities? ☒

3. Is there any officer or employee of the Bidder who now has or has had any proprietary interest in another company that bid or bids on public works projects whose company has been determined to be a nonresponsible bidder by any public entity, including federal, state, local, or regional entities? ☒

4. If the answer to any of the 3 preceding questions is yes, disclose all pertinent details of the determination of nonresponsibility, including:

4.1. Date of each nonresponsibility determination

4.2. Name of each public agency issuing the nonresponsibility determination and a contact person at that agency who could have information about the determination

4.3. Contract number for each nonresponsibility determination

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Disclosure of Lobbying Activities folder (Federal funds)

If there are not any lobbying activities to disclose, select "No" from the pull down menu. If there are lobbying activities to disclose, select "Yes" from the pull down menu, and following the instructions contained in the form, complete the rest of the folder.

DISCLOSURE OF LOBBYING ACTIVITIES

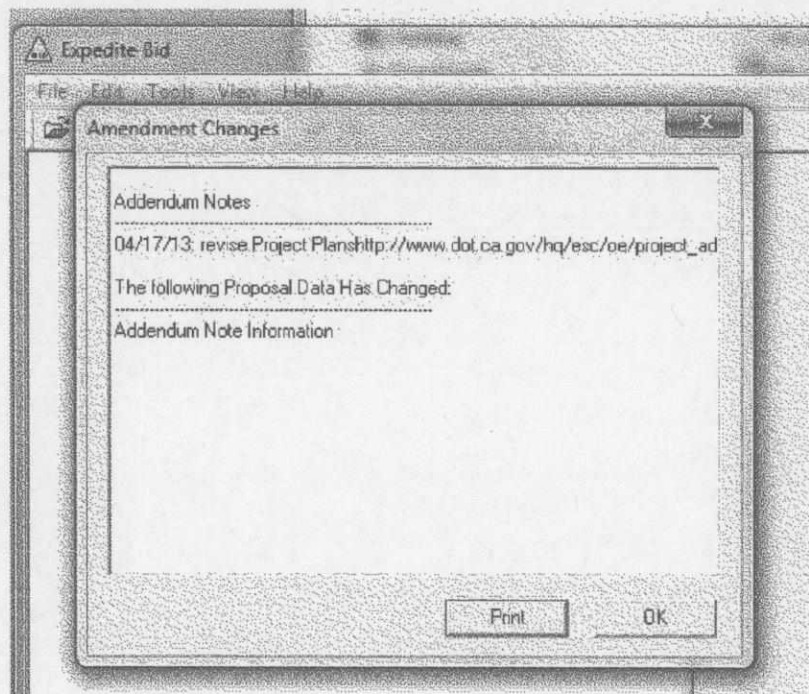
Approved by OMB  
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

## Incorporating Addenda

Addenda will be posted on the Caltrans Office Engineer website. Addenda files have a file name with the structure of contract#.001, contract#.002, contract#.003, where the last number indicates the addenda number. Save the addenda file in the same file location as the .EBS file, and when the .EBS file is opened, BID will incorporate the addenda into the .EBS file for you. Do not attempt to open the addenda file, only open the EBS file. The addenda file will modify the .EBS file, and if any folders have been completed, it will only require new entries for those items modified by the addenda.

Addenda can also be incorporated by opening BID, select "File", and then select "Load Amendment", locate addenda file, select the file, then select "Open." An Amendment Changes window will open, and the first folder on the left will show the number of amendments applied, indicating successful incorporation of addenda. The Amendment changes window cannot be changed in size. Select the "Print" button to print the details of the Amendment change.



If a bid item is eliminated from the Bid Item List the eliminated bid item will have an Item Code of "BLANK" and there will be no description for the eliminated bid item. The eliminated bid item will have a fixed price of \$0.00, which cannot be modified.

Line	Item	Quantity	Unit	Unit Price	Extension
<b>Section 1</b>					<b>0.00</b>
<b>BID ITEM LIST</b>					
1	BLANK	LUMP LS		0.00	0.00

### BidX.com messages

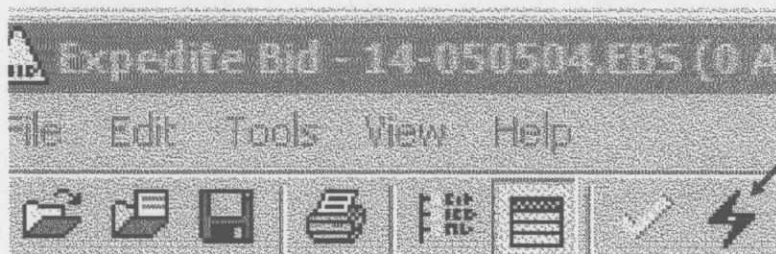
To opt-in to receive messages from Bidx, log into the Bidx.com website, and select "Messages" from the upper right corner of the webpage, then select "Manage Messages and Notifications."

In the "User Notification" area select the box next to "Proposal Activity" in the "Email" column to receive email notifications from Bidx regarding any proposal activity.

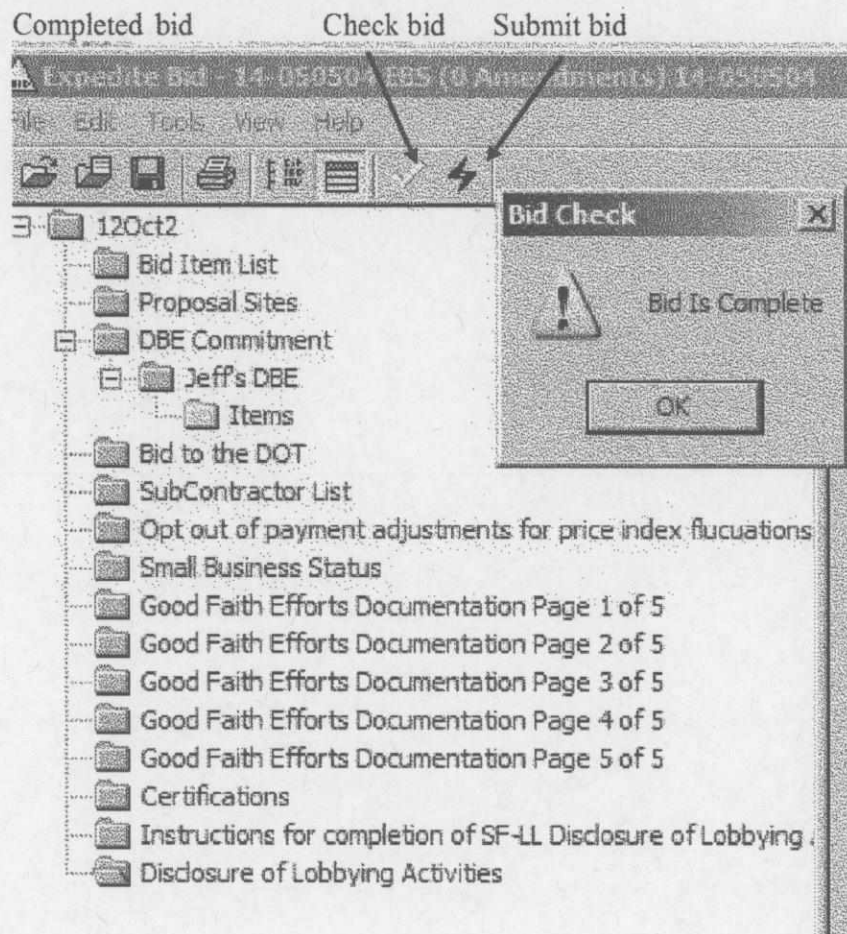
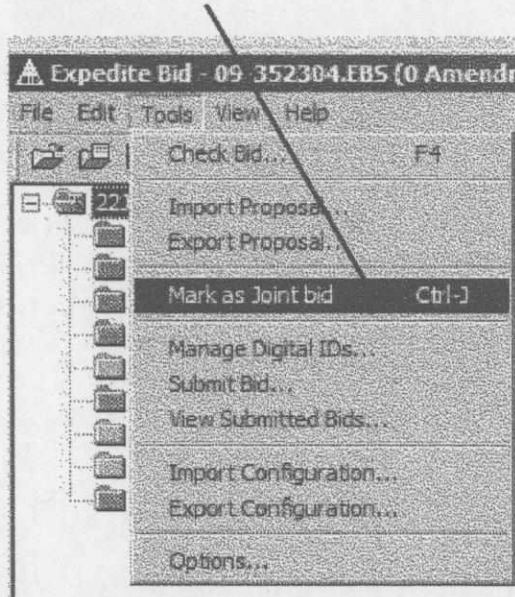
### Checking bid before submission

Before submitting your bid, check your bid for completeness. All of the folders should be green. Select "Tools", then select "Check Bid", or you may select the yellow check mark in the toolbar. If your bid is complete, a message will show that says "Bid Is Complete." If your bid is incomplete, a message will show up indicating what needs to be completed. Bidx will allow an incomplete bid to be submitted, it is your responsibility to determine if all of the required data is being submitted electronically through Bidx. Failure to do so may lead to Caltrans deeming your bid nonresponsive.

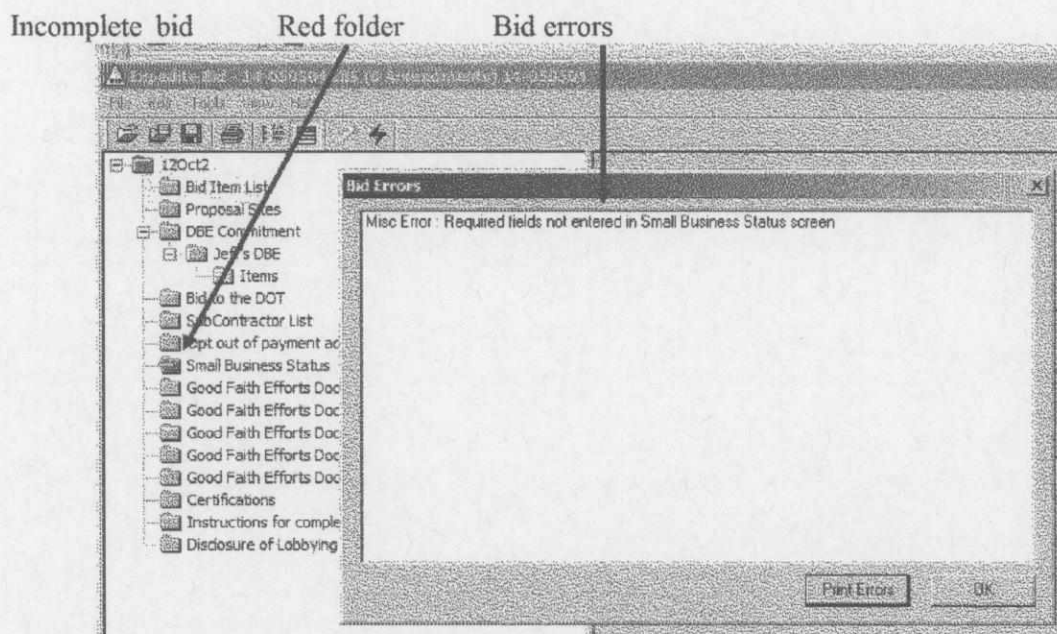
Once your bid has been checked, and there are no errors you may save and then submit your bid. Save your bid by selecting "File", then select "Save" or by selecting the disk on the toolbar. Submit your bid by selecting "Tools" then select "Submit Bid", or you can select the black zig zag on the tool bar. Bids can be submitted multiple times, each subsequent submittal will override the previous submittal. After each submittal, print the bid submission receipt. The only bid that Caltrans will see is the last bid that was submitted. More information on submitting your bid can be found at the Bidx website at <https://www.bidx.com/>.



Joint ventures must also mark their bid as a joint bid. Select "Tools", then select "Mark as Joint bid"

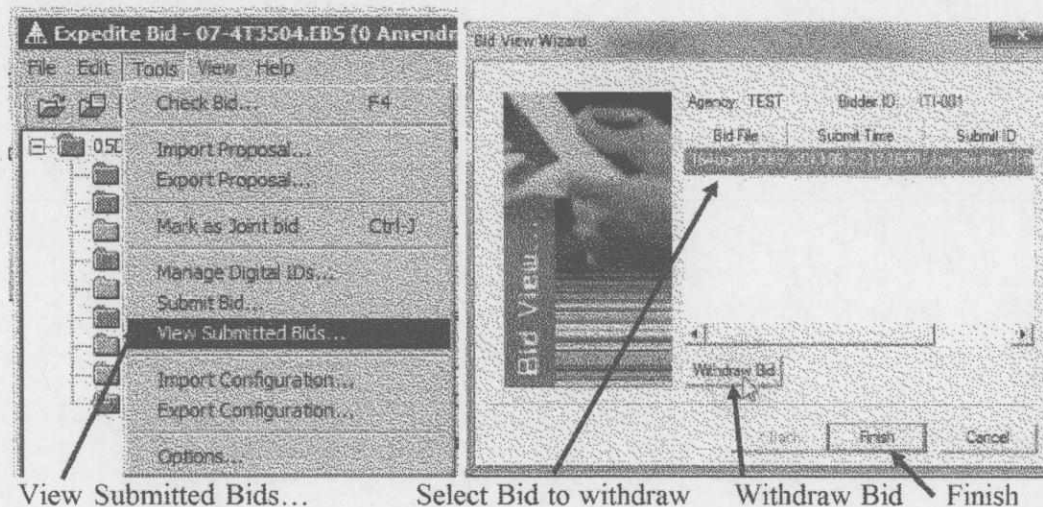






## Bid withdrawal

Bids may be withdrawn before the specified bid opening date and time. To update a previously submitted bid, you do not need to withdraw the previous bid, you only need to submit the updated bid, and it will override the previous bid. To withdraw a submitted bid, select "Tools", then select "View Submitted Bids", choose your Digital ID from the list, enter your password and select "Next." Select the bid that you want to withdraw, then select "Withdraw Bid", then select "Yes" at the confirmation alert box. Select the "Print" button to obtain a receipt documenting that the bid has been withdrawn, then select "Finish."





## **Additional training material**

Bid Express training material can be found on the Bidx.com Training Center

Caltrans Electronic Bidding training material can be found on the Caltrans Electronic Bidding Website at:

[http://www.dot.ca.gov/hq/esc/oc/electronic\\_bidding/oc\\_trainingmaterials.html](http://www.dot.ca.gov/hq/esc/oc/electronic_bidding/oc_trainingmaterials.html)

## **Public bid opening**

Bids will be publicly downloaded and read from the Bidx website at the specified bid opening date and time, at 1727 30th Street MS-26, Sacramento, CA, 95816. The information read at the bid opening is preliminary, responsiveness will be determined after the bid opening. Bid openings can be viewed or listened to by following the directions at:

[http://www.dot.ca.gov/hq/esc/oc/contractor\\_info/ElectronicBidOpeningInstructions.pdf](http://www.dot.ca.gov/hq/esc/oc/contractor_info/ElectronicBidOpeningInstructions.pdf)

Preliminary bid results are posted to the Caltrans website at:

[http://www.dot.ca.gov/hq/esc/oc/planholders/oe\\_bidsum\\_result.php](http://www.dot.ca.gov/hq/esc/oc/planholders/oe_bidsum_result.php) and are typically available 30 minutes after the bid results have been read.



## Contractor's Corner

Share via:    

**General Information**

**Advertisement**

**Bidding**

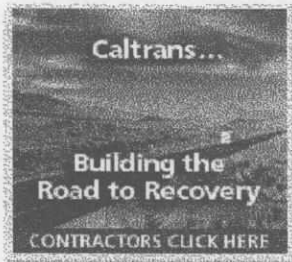
**Awards**

**Cost Data**

## General Information

- **Caltrans Contractor Interest Registry**
- **Construction Contract Standards**
- **Standard Contract Items and Descriptions sorted by descriptions (Alphabetical) (DOCX)**
- **Standard Contract Items and Descriptions (Numerical) (DOCX)**
- **Business Enterprise Programs (DBE, DVBE, SBE)**
- **Contracts Under \$291,000 (Minor B)**
- **Architectural & Engineering Contract Information**
- **Caltrans Partnering Program**
- **Construction Payment Info (stop notices)**
- **Design-Build Program**
- **Title VI Program Info (PDF)**
- **COZEEP / MAZEEP Training**
- **2015 Standards Training**

## Contracting Information



## Statewide Alerts and Other Information



Amber Alert



ADA Access



Road Charge



Save Our Water

California's Governor

**Edmund G. Brown Jr.**

[Visit His Webpage](#)



Caltrans Director

**Malcolm Dougherty**

[Caltrans](#)



Engineering Services Chief

**Michael Keever**

[Division Website](#)





## Office Engineer Links

- [Office Engineer Home Page](#)
- [Construction Contract Awards](#)
- [Construction Contract Standards](#)
- [Contractor's Corner](#)
- [Guidance](#)
- [Caltrans Bidding Connect](#)
- [Contact Us](#)



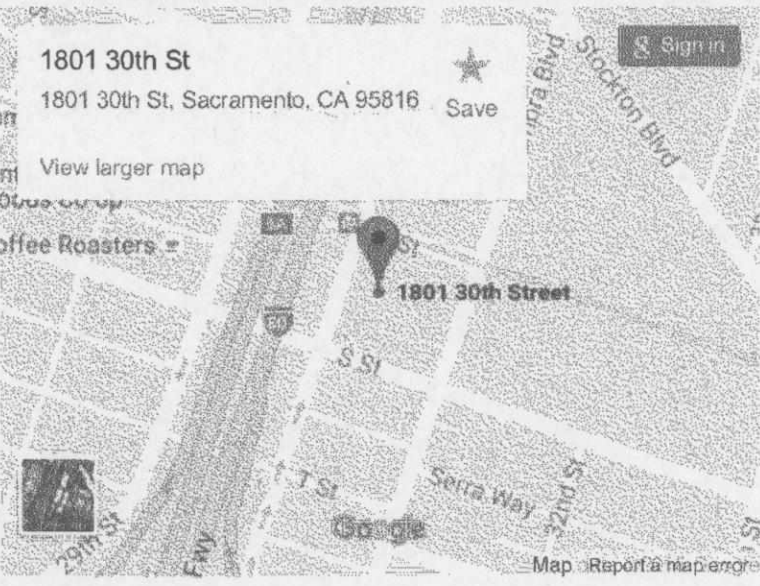
## Quick Links

- [Caltrans](#)
- [Division of Engineering Services](#)
- [Archived Projects](#)
- [Caltrans Publications](#)
- [Authorized Materials List](#)
- [Construction Standards Email List Server](#)



## Contact Information





**1801 30th St**  
1801 30th St, Sacramento, CA 95816 Save

View larger map

**Physical Address:**

Department of Transportation  
Engineering Services  
1801 30th Street  
Sacramento, CA 95816-8041

**Engineering Related Information:**

Phone: 916-227-8704



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**FAX COVER SHEET**

TO	Mulissa Smith
COMPANY	CaltransDES
FAXNUMBER	19162276282
FROM	ChristopherRomeo
DATE	2016-11-29 01:30:02 GMT
RE	RE: Bid Protest – 08-0E5514 - Install RMS, CCTV, VDS, CMS, FO Backbone, ESU Traffic Ops

**COVER MESSAGE**

Bid Protest Submission - 08-0E5514